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# Collected Tracts

on

# Ritual

Edited or

Written by the late

J. T. Tomlinson

VOL. II.

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## DISESTABLISHMENT.

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OW that the question of Disestablishment has been formally brought to the notice of the Primate by a deputation of Ritualists, it may be useful for us to consider what such proposals mean. Very few of those who talk glibly, ever analyse the meaning of their own words: yet no agreement can be hoped for until men clearly understand one another.

What is meant by the "Establishment" of religion in England? And, to go further back, what is meant by "Establishment" in itself? For, in Europe, there are many ancient established churches, differing in details as to constitution. For instance, "Establishment" does *not* mean parochial endowments; for, in Russia, none such exist. It does *not* mean the parson's "freehold" tenure of the church and glebe, for these are peculiar to England alone. In some countries, as in France, the State pays the ministers of other forms of religion as well as the clergy who are "established."

On the other hand, it is not even *possible* to dissolve all connection between the Church and State. By the very fact that a visible church is a human society, it needs civil rights and protection. So long as man consists of a body as well as a soul, there is no possible outward act or environment, in which the members of a Christian society are not subject to "Cæsar," *i.e.*, the civil ruler. And



because the soul and body overlap and have interests in common (as in such questions as Education, Marriage, Divorce, interference with Parental control, and Family life), it is obvious that a good understanding will necessitate mutual recognition. The Church repays this considerateness by strengthening the hands of the Civil executive in adding supernatural sanctions and obligations to the mere calculations of self-interest, as furnishing grounds for civil obedience. The oaths taken in Courts of Justice, the oath of the Sovereign at her Coronation, and the oath of allegiance (which, as the Bishop of Sodor and Man justly pointed out, is specially binding on bishops) are illustrations of this.

The Free Churches are, in fact, regulated by Acts of Parliament, and subject to the Law Courts wherever questions of money or money's worth come in. The "Disestablished" Church of Ireland is far more literally the creation of an Act of Parliament now than ever it was before Mr. Gladstone's Act prescribing its constitution was enrolled on the Statute Book.

The Reign of Law in human society is a necessary condition of the Church's health: we do well to pray that "the course of *this world* may be so peaceably ordered by the Divine governance that God's Church may joyfully serve Him in all godly quietness," which, without State control, would be impossible. When anarchy, pillage, lust and murder have free play, what chance has the Church's message of "faith, hope and charity"? Again, public opinion on questions of morals is raised or lowered chiefly by State legislation. Among the Spartans, theft by boys, if clever enough to be undiscovered, was tolerated by law and therefore not condemned by the citizen's conscience: facilities for Divorce sadly lower the Christian conception of Marriage: Polygamy, Slavery, Usury, Gambling and the



like are approved or censured mainly because the Law has, or has not, sanctioned these institutions.

Seeing then that for better and for worse, the Church and State necessarily affect one another's work, it becomes merely a question of *degree* what shall be the limits and the terms of any concordat between them? The fashionable division of "spiritual" and "secular," by which men try to separate off into two distinct categories the aims and duties of life, is, at bottom, Atheistic. As Dean Stanley puts it, in many minds

"there runs a secret belief that the word 'spiritual' can be used for some process apart from the inward operation of our souls and spirits—a tacit assumption that some particular ecclesiastical organisation, and that alone, is identical with the kingdom of Heaven, and that all civil organisations, and those alone, are identical with the kingdom of this world. If this were true, then, as Pope Innocent III. remarked long ago, the civil power must not only be separate from the ecclesiastical power, but altogether subordinate to it; and the clergy ought everywhere not only to be independent of the State, but to oppose and thwart it. But the whole assumption is based on a mere abuse of words. The kingdom of Heaven—that is, the triumph of good over evil—is no more identical with any earthly organisation, either ecclesiastical or secular, than it is with geographical limits or external pomps. Every society, by the mere fact of its being a human society, must be temporal, must be guided by mixed motives, must have temporal human government."

The "Father of our Lord Jesus Christ," is also the God of Providence. The Family, the State, and the Church, all three alike, are Divine institutions having for their common object the education of man for his eternal existence in the future by making him "godly" (*i.e.*, God-like) *in this world*. All our duties lie in this world. We are not even permitted to know what they will be in the great hereafter, as though Revelation had been purposely restricted to a clear enforcement of the obligations arising from our relations to our fellow creatures during this (our own) generation. Therefore religion is "secular." The duties of *this present life* are its province. But the Family and the State, each after its kind, have precisely the *same*

duties for their guardianship. And "these three are one" in their combined work: only they differ in their methods and instruments for that work. The Family educates the affections, makes the words "Father," "Home," "Family" intelligible, without which, neither Scripture nor the Church would have had any corresponding ideas whereon to build. The physical life of the individual is only thus rendered possible until the child, having outgrown its dependence on the parent, needs the stimulus of rewards and punishments and an education in respect for the rights of others, both of which it is the business of the State to supply. The ideals of a "King" reigning in righteousness, and of "loyalty," are only made possible by this second stage of man's education. Without a David, or an Alfred, the very phrase "*Kingdom*" of heaven would not have come home to our hearts and understandings.

Moreover, as Dr. Arnold pointed out, the ultimate power in human life, upon which all law and order in the last resort must depend, is the right of taking away human life. The Sixth Commandment forbids any taking away the life of another. "Vengeance is mine, I will repay saith the Lord." But what is thus forbidden to any individual is, by Divine appointment, entrusted to the civil ruler who is the minister of God, who beareth not the sword in vain. A "sword" means the power of taking away life, and this Divine prerogative is the highest entrusted to man in this world. Dean Stanley puts this very strikingly, when he says—

"Speaking for a moment on Scriptural grounds, there is no existing institution which can claim from the Bible so distinctly sacred a character. Even before its conversion, the Roman Empire was regarded by the Apostle as a 'Minister of God,' 'ordained of God, the ordinance of God.' No stronger expressions can be found in the New Testament for any outward office or officer inside the Christian community. After its conversion, the State by a natural instinct assumed the functions of the old Christian democracy which were



felt incompatible with the changed condition of things. By the sovereigns of the State the chief ecclesiastical officers were appointed, as formerly by the tumultuous gatherings in the market-place. By them the Christian laity were represented in the Councils, as once by the 'brethren,' even after the claims of a direct hierarchy had sprung up. And so it must emphatically be in such a country as ours. The supremacy of the Crown—that is, of the Law—in all causes, and over all persons, ecclesiastical as well as civil, is the supremacy of the whole Nation over its own concerns, spiritual as well as temporal. It is the direct expression of the laity and the clergy, through the best organs which the experience and wisdom of a thousand years have been able to contrive, on matters which touch them more immediately than any other interests in the world."

There is a right and a wrong, *i.e.*, a moral character inherent in every question submitted to the Legislature: and to say that the highest power in human life is void of moral character or spiritual responsibility, is to debase the office of the Christian statesman, and to hand over this world to the devil as its rightful over-lord. Whereas, it is the very business of every faithful Church to claim the kingdoms "of this world" for the Lord and His Christ.

Oliver Cromwell, whose centenary was celebrated last year, took a more Christian estimate of the duties of the civil ruler. "If any whosoever think the interests of Christians and the interests of the Nation inconsistent, or two different things, I wish my soul may never enter into their secret."

We should be the very last to deny that to the Church has been entrusted the "witness and keeping of Holy Writ," a duty, by the way, very imperfectly discharged at the present moment, when ecclesiastics are more concerned about candles and crucifixes than for the safe custody of the Word of God, Deans and dignitaries actually vying with professed Rationalists in belittling the inspired character of "God's Word written." The Church must "faithfully preach the Word of God" in despite, if need be, of kings and parliaments. If, for example, the Church of England were forced to connive at the Mass and the Confessional within its own borders, it

must, in the last resort, if need be, throw off the State connection rather than acquiesce. But no such apostasy has yet been enacted by law, or enforced by the Courts. Therefore, to speak plainly, those well-meaning friends who decline to sign our Electoral Rolls because they think "Disestablishment the only remedy" should seriously question themselves as to their reasons for that belief. We fully admit that the State has the right to regulate and control the endowments of the Church: to redistribute the revenues, for example, so that pay and work should go together, instead of the drones getting the fat of the land, and the town workers being left to drag on a miserably sordid and hopeless struggle with populations far beyond their powers and with no hope of future promotion. The "Lordly" status and incomes of our bishops may well be revised by the only power to which God has entrusted the regulation of such mundane advantages. Many like reforms may be desirable. But to break up the historical connection, which has wrought such great things for England in the past, is at least matter for careful and prayerful deliberation rather than for rash action. In the first place, not the slightest connection has ever yet been shewn between Romanism, or Ritualism, and State control. On the contrary, it is in Ireland (where Romanism is disestablished) that it displays its most bigoted tyranny: it is in the unestablished Colonial churches that Ritualism displays its worst extravagances; no bishop quite so foolish as the titular "Bishop of Argyll and the Isles" has ever yet strutted about in plumage borrowed from Rome, within the Established Church of England. Since Disestablishment, the Irish Church has gone "higher" than ever before and is likely to attain to yet greater heights.

More than thirty years ago the Marquis of Salisbury warned us that a strong sacerdotal hierarchy would be the



most likely result of casting off State control. Speaking in the House of Lords, he said—

“How does a Church suddenly turned into the wilderness prepare to protect itself? Why its first instinct is to protect itself by a strong development of sacerdotal organisation, an organisation which, perhaps from a money point of view may not be of great value, but which I know will be regretted by your lordships (Cheers). That will infallibly become more and more characteristic of the members of the Church of England, when they begin to feel that their connection with the State is a mere question of time, and that, therefore, they must prepare themselves for the evil day.”—*Times*, June 27th, 1868.

Dean Howson justly said “we are almost exclusively a clerical church. If the Church of England were disestablished to-morrow, it would be thrown into the country, as regards organisation, in the form of a clerical skeleton.”

Look at the Diocesan Conferences, the Houses of Laymen, the elections for rural-deaneries, proctorships and the like. Is it any wonder that Canon Gore should push the schemes of the Church Reform League, seeing that the mass of the laity are utterly indifferent, apathetic, and devoid of any experience in ecclesiastical politics? The Primate tells us, with perfect truth, that *he* has nothing to fear from Disestablishment. Every ritualistic priest will be compensated or pensioned off for life; no appeal will any longer lie to the Queen’s courts; no discussion in Parliament will be possible in the case of a “Free” Church; and the impoverished and divided Church of England, which would inevitably split up into (at least) three fragments, the “High,” “Low,” and “Broad,” would cut but a sorry figure in opposing “the Italian schism,” reinforced as it would be by the Halifax section, whose craving for Reunion would thus find speedy fruition. Politically speaking the Church of Rome would be relatively, as well as positively, the gainer; while in country places and poor neighbourhoods there is much ground for fearing that a lapse into heathenism might readily take place. We do not say

that Disestablishment may not become a necessity. We recognise that the triumph of Ritualism might even erect it into a duty. Far better that the revenues of the Church were cast into the sea than that they should be employed in propagating Popery. But surely, to men of common sense, it goes without saying that such a deplorable and destructive policy should not be seriously entertained until we have first honestly tried to reform the Established Church from within. Our Bill for reorganising the ecclesiastical procedure will, we hope, be shortly before Parliament, and will serve as a touchstone to discriminate the sham Protestants from the genuine Protestant candidates for our suffrages. Then, without compunction and without hesitation, we shall be ready to follow to the bitter end the path of duty, even though it should ultimately lead to the disendowment of the clergy and the separation of Church and State. But at least let us reflect before adopting so dangerous, so drastic an emergency measure until we have exhausted every other remedy. For in this case it may easily be that "the remedy is worse than the disease."







# ***“The Method of S. Sulpice,”***

A REVIEW OF

**“THE CLERGY AND THE CATECHISM,  
*Being an Attempt to Adapt the ‘Methode de St. Sulpice,’  
as Expounded by Mgr. Dupanloup, to the ways  
and wants of the English Church.”* \***

(Reprinted from THE CHURCH INTELLIGENCER for February, 1897.)



CONCERTED movement is going on to introduce the French system of catechising into the Church of England. This book is only one of several now issuing from the Press with this object. Indeed, to understand what this book is aiming at, it is necessary to read *The Method of St. Sulpice*, published simultaneously by Griffith, Farran, Browne & Co.

From this latter we learn how effectual the “method” has proved in instilling a belief in the Pope, the Virgin, image-worship, confession, wafer-worship, and the like, and it is evidently hoped to obtain a like success in England. Mr. Spencer Jones’ book suggests “the fathers,” and “the liturgies,” and even “the Coronation service” (for the sake, we presume, of the word “altar”), as suitable subjects for instruction! Mr. Jones puts

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\* By Spencer Jones, M.A., with a Preface by Canon Body. (Skeffington.) No. 271.]

it, "that life comes from God, and principally through the Catechist. It is a sacramental work throughout. We stand before our children in the name of God, *with the authority of our holy order*, and with the words of our Master sounding in our ears—He that receiveth you receiveth me... We should remember this at the altar on the morning of our catechism day" (p. 15). Mr. Jones teaches explicitly the "seven" sacraments (p. 56), and the authorities he quotes are such as Rodriguez and Mr. Vernon Staley. But he is curiously reticent on the subject of Confession. He says: "The Register of St. Sulpice includes a column for confession—that is for the name of each child's confessor. Now there is no longer any controversy in the Church as to the legality of Confession. Differences of opinion appear in regard to mode and frequency. However, I am not here going into controversy, and our register may well have also a column for what may be called at least a kindred work—personal interviews" (p. 127).

To appreciate the importance of this hint, we must turn to *The Method of St. Sulpice* itself, where we find detailed the systematic plan to be adopted by means of this register for preventing any single child shirking the Confessional. This is how "personal interviews" are there arranged for:—

"The first duty of the catechist with regard to confession, is to appoint confessors for children who have not yet had one. In making out the list of the children who have not brought in their certificate of confession, he will find out those who have no confessor. Immediately before the close of the catechism he will name these children, and desire them to remain in their places; he will add that all those who have no confessor must remain also, and all must keep perfectly quiet. As soon as the chapel is empty he will call them up, one after another, and put such questions to them as the following:—Then you have no confessor? Have you never had one? Which would you like me to send you to? Are you in a school? Has not this school a chaplain who generally acts as confessor to the children? According to the answers which each child makes, he will be given, or not given, a note for the confessor. The custom of the Parish of St. Sulpice—is that confessors receive no child unless he brings a note from the catechists. This plan prevents the children from changing their confessor when they like, and from running from one to another. . . . On this note



is written the day on which it is given, so that the confessors can judge of the promptitude with which the children have come to find them. Without this precaution many children, who had put it off from week to week, would not scruple to say in excuse that they had asked for a note for a long time, but that it had only been given them a few days ago."

When the catechist gives the note, he is to say to the child, "At the day and hour named you will go and find your confessor and you will give him this paper; then, after he has heard your confession, you will ask him for a certificate of confession, which you will bring to us next Sunday."

It is added—"The child's word for it must not be taken as sufficient, nor that of his parents or his master. . . . Even when one of these lists is signed by the confessor, it does not do to be satisfied without first examining it, or without warning the confessor, particularly if he is new, of the frauds which may be practised."

After enumerating several varieties of these "frauds," by which the unhappy child tries to escape the snare, the "method" is to search the register, month by month, to see that they

"have been constant in making their confession *every month*: he must even, from time to time, make an example, threatening publicly such and such a child, that he will be sent away the following Sunday if he does not bring a certificate of confession." "If a child declares that he has confessed, but that he has forgotten to bring his certificate, he must be told to bring it next Sunday. If he maintains that his confessor did not give him a certificate, he must not be immediately supposed to be guilty. . . . Generally the child, though he may be steady and truthful, should be required to go and ask for his certificate: otherwise the greater number would say their confessors do not give them, and there would be no certainty of anything."

Directions are given for cross-examining the child and making him produce witnesses, and, finally, a memorandum is entered in the register to ensure his being re-examined next month on the same topic (p. 142). The name of the confessor being entered in the register of each child, "by this means the Catechists find out if any of the confessors have a great number of children on their hands, and will avoid sending them more, unless they desire it. . . . by comparing the name on the billet with that

marked on the great register it will be known if a child has of his own accord changed his confessor: there are some who go the round of all the confessors in the parish."

It is painfully interesting to see the contrivances for "heading off" and driving the child, evidently an unwilling victim, into the confessional, where touch between the confessor and the catechist is carefully maintained.

Such is the essence of *The Methods of St. Sulpice*, which, under the venerable and orthodox title of "Catechising," is simply a plan borrowed from Rome for raising up devotees of the pseudo-"Sacrificers," who, in this way, seek to inoculate the young with superstitions at the earliest dawn of reason. Viscount Halifax's "reunion of Christendom" would soon be brought about, if this "method" of Romanizing the young should become general. Canon Body is a member of the Confraternity of the Blessed Sacrament.



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# CANON MACCOLL'S ROMANCINGS

ABOUT THE

## BOOK OF COMMON PRAYER.



N *The Fortnightly*, for October, 1899, is another of Canon MacColl's attempts to mislead the public as to the history of the Prayer Book.

He begins with the *Order of Communion* of 1548. Of this little tract he says it was "compiled by seven bishops including the primate, six deans, and the Master of Trinity." These particulars are given to shew how complete and accurate is his information: the truth being, that we have *no* contemporary information, and that Fuller, Heylin, and Burnet (who are the oldest of our informants) do not agree on the matter—the names suggested by each being largely matters of conjecture. He next adds, "After receiving the sanction of the Church this book was authorised by Act of Parliament": whereas the book never went before either Convocation or Parliament. It emanated from a Royal Commission, and its sole authorisation was a Royal Proclamation\* backed by a letter from the Privy Council dated March 15th, 1548, and directing the bishops to use the form thus provided. This "Missive from the Council to the bishops of the realm" is printed by Foxe (Act and Mon. v.-719), and by Collier (v.-256), the latter attributing it to the pen of Cranmer. And only a few weeks ago Canon MacColl told us (*Reformation Settlement*, p. 340) that this *Order* was "without any authorisation at all by Parliament." No wonder he does not hesitate to contradict a couple of Primates when he thus flatly contradicts himself.

Of the First Prayer Book of Edward, 1549, he tells us that it "was compiled by authorised Divines, sanctioned by Convocation, and ratified by Parliament." He omits to mention that the Divines were "authorised" by the Crown (Ridley describes them as the "company of learned men thereunto appointed by the King") and that the alleged "sanction" of Convocation is disputed by a majority of the historians who have dealt with the subject. The detailed proof of this is fully given in *Lay Judges in Church Courts* (J. F. Shaw), pp. 73-75.

Of the Second Prayer Book of Edward he says (p. 646), "it received the sanction of Convocation before its ratification by the Second Act of Uniformity." This assertion is the more notable because Canon MacColl in his work on *Sacerdotalism* (p. 27), had previously assured us that "There is no record of the Second Prayer Book of Edward having ever been submitted to Convocation." He now refers his readers to Lord Selborne's *Defence of the Church of England*, pp. 57-61, for proof that "the revised book of 1552 received synodical authority before it was sanctioned by the Act of Uniformity." Lord Selborne quotes Heylin's description of a debate held in 1550 in Convocation (resembling the recent "Lambeth Hearing") as to the

\* This Proclamation is printed in "The two liturgies of Ed. VI." (Parker Soc.), also in Clay's *Common Prayer illustrated*, p. 185.

correct interpretation of the rubrics of the 1549 Prayer Book; but that does not imply any formal revision of the book. And the subject appears to have then dropped, for Heylin adds, "But what account was given appears not in the Acts of that Convocation; of which there is nothing left on record but this very passage." Lord Selborne was misled by Mr. Joyce, who in turn had relied on Strype for the assertion that the draft Prayer Book of 1552 was "printed in September, 1551." But Strype, with his habitual carelessness, has misdated the fact by a whole year. Both the Order to Grafton in "September" and the Order of Council "in October" belonged to the year 1552 and not to "1551" as the *Act book of the Privy Council* shews (Dasent's *Acts of the Privy Council*, iv.-131, 153). Strype himself, in his *Life of Cranmer*, correctly refers the revision to "the following year." Nor is that all; for, as Mr. Lewis in his *Reformation Settlement*, p. 91, and Dr. Gasquet in his *Prayer Book of Edward VI.*, p. 286, have shewn (by a comparison of Wilkins with the dates given in Cranmer's *Register*) there was no Session of "1550" at which such debates could have taken place. Heylin, in short, has mistakenly referred to Convocation in "1550" what presumably took place (outside Convocation) in 1552, as Dr. Gasquet points out. (Compare also Robertson's notes on Heylin's *Hist. Ref.* i.-192, 227.) Mr. Joyce adds to the confusion by also misdating Peter Martyr's letter of January 10th, 1551, as being "the early part of 1550, N.S." (*Acts of the Church*, p. 125.) Nor is Canon MacColl altogether ignorant of the facts which he so elaborately misrepresents, since he tells us (p. 654) that the Black rubric was "added to Edward's Second Book by an order of the Privy Council alone *seven months after* the book was sanctioned by Convocation." Now the date of that Order is October 27th, 1552, so that the imagined "sanction of Convocation" is quietly transferred to March, 1552, and not "1550" (Heylin), nor "1551" (Selborne). Bp. Stubbs more honestly admits that the alleged action of Convocation is "problematical" (*Eccl. Courts*, Rep. I., Appendix 143). It was really given *ex post facto* by Art. 35 of the 42 Articles published in May, 1553; just as the irregular Jacobean alterations, also made by a Royal Commission, were *afterwards* condoned by Canon 80 of 1604.

The language of the 35th Article of 1553 describing the Second Prayer Book as "given to the Church of England by the authority of the King and Parliament" would hardly have been employed by Convocation of its own handiwork. Convocation was not even hinted at in either of Edward's Acts of Uniformity, which mention only "certain of" the bishops and clergy as having been "appointed by His Highness" (2 and 3 Ed. VI. c. 1, § 1), in other words as constituted by a Royal Commission.

Canon MacColl next asserts that "Mary repealed all the Acts passed by Convocation . . . in the two previous reigns abolishing Papal Supremacy." She did not. The Convocation being regarded as itself in schism, its "Acts" were treated as absolutely *null* and *void* and were simply ignored accordingly. We are next told that as Elizabeth repealed Mary's repealing Acts "the effect was to disqualify the Marian bishops to vote either in Parliament or



Convocation." That is simply absurd. The Marian bishops both spoke and voted against the Prayer Book in Parliament, and the repealing Act could not in any way affect their votes until they were (subsequently) deprived, not by statute, but by due process of law. Moreover the "repealing Act" was enacted on the same day as the Act of Uniformity, both alike being debated and voted against by the R. C. prelates. Being in a minority, the spiritual peers were bound by the decision of the majority, which amply justifies the language of Elizabeth's Letters Patent in 1560, and of the Act of Uniformity of 1662, both of which claimed for it the authority of "the Three Estates in Parliament."

Yet Elizabeth's Prayer Book is alleged to have been adopted by the Spirituality because the preamble of the last Act of Uniformity "says expressly that the revised book of 1559 was 'compiled by the reverend bishops and clergy' of that time." But the words "of that time" do not exist in the Act, and the reference was not to any of Elizabeth's bishops but to those who had been commissioned by Edward; the so-called book of 1559 being merely Edward's second book of 1552 re-enacted *eo nomine*.

Mr. Wayland Joyce in his *later* work *Sacred Synods* (p. 543), lamented the absence of any synodical sanction for the Elizabethan changes, though in his *Sword and Keys* (p. 25), he had at one time relied on a "State Paper in the handwriting of Sir Thomas Wilson, the first keeper of the State Paper Office," *circa* 1608. It contains some gentleman's private theory, whatever that may be worth. Wilson (whom Canon MacColl calls "Weston") writes—

"The Book of Common Prayer, published *primo* Elizabeth, was first resolved and established in the time of King Edward VI. It was re-examined, with some small alterations, by the Convocation, consisting of the same bishops and the rest of the clergy, in *primo* Elizabeth, which being done by Convocation, and published under the Great Seal of England, there was an Act of Parliament for the same book, which is ordinarily printed in the beginning of the book."

On this, Canon MacColl seizes, observing (p. 648): "On the refusal of the Marian bishops to accept the new ecclesiastical *régime*, their opposition was ignored as invalid, and the book was immediately submitted to and approved by a Convocation of bishops who had been unjustly deprived—possibly, also, by some of those not deprived, like Tunstall,—and of a Lower House consisting of clergy specially summoned." Again, a few pages further on, the same writer tells us: "When Mary died the vast majority of the laity, and the clergy to a man, were satisfied with the existing form of public worship." In proof of this he quotes Bp. Cox (one of the compilers of *both* the Edwardian Prayer Books) as saying that "the whole clergy were, to a man, in favour of the *status quo*." Canon MacColl does not even perceive how these statements contradict one another. So far from the bishops being "the same" under Edward and Elizabeth, as Sir T. Wilson is (untruly) alleged to have stated, no fewer than twenty-three of the Edwardian bishops were dead, the leaders having been burned at the stake; the only bishops surviving (except Tunstall, Bonner, Heath, and Thirlby, all of whom had consistently spoken and

voted *against* the First Prayer Book) being Kitchin (who had spoken *against* the First Prayer Book and refused to vote for it in Parliament), Pole of Peterborough, Barlow, Coverdale, Scory, and Hodgkin: the four last named not being members either of Parliament or of Convocation. What "Synodical" authority could such persons confer, even if they had been called together? They would at best form a Royal Commission like that which gave us the Edwardian Prayer Books. Again, what fable could be more ludicrously absurd than the assertion that the Elizabethan Prayer Book was "published under the Great Seal of England" before Parliament was even invited to consider it? Yet this is gravely palmed off, without a grain of evidence to make it even plausible, as a serious proof of the "Synodical" authority of Elizabeth's book! The truth is that Elizabeth's book, as such, did not come even before Parliament, who re-enacted explicitly the book which "remained at the death of Edward VI.," with their own alterations specified as made "*therein*," i.e., in Edward's book. Wilson's further allusion to the 25th Henry VIII. c. 19, was singularly unfortunate: because, apart from the fact that that Act did not relate to the framing of liturgies, it was a flagrant instance of the repeal of canons by Parliament *alone*, of the giving statutory warrant for a Royal Commission to revise Canons, and of the enactment of a reformed Canon law to be based merely on the report of a Royal Commission, and rendered valid by annexing the Great Seal of England to the revised code. Any precedent more conclusive as to the absolute right of Parliament to control and over-rule all such matters, the unwise "Sir T. Wilson" could hardly have selected for an illustration of his principle.

So far we had written before examining for ourselves the original document from which Mr. Joyce had quoted. It is now in the Record Office (S. P. Dom. Eliz., vol. vii. No. 47), and is a fair copy of No. 46, which is in another handwriting. No. 47 is endorsed "Power of y<sup>e</sup> Convoc<sup>n</sup>. in framing ye book of Com. Pr. &c. & of Y<sup>e</sup> H.H. of Parl<sup>m</sup>." Under which has been written, in the handwriting of Sir Joseph Williamson (*circa* 1661), "Sir Th. Wilson's hand."

The Paper itself, however, is not signed by anybody. Both papers (Nos. 46 and 47) are verbally identical: but the second sentence above quoted by MacColl from Joyce does *not* say "by the Convocation consisting of the *SAME* bishops," but "consisting of the *said* bishops," which completely alters the reference.\* For, the omitted paragraph, which *immediately precedes* Canon MacColl's quotation, runs as follows:—

"There returned into England upon Quene Marye's death that had been bishops in King Ed. 6 tyme—

- |               |             |
|---------------|-------------|
| 1. Coverdale. | 3. Chenye.  |
| 2. Scorye.    | 4. Barlowe. |

There remained bishops for some tyme that were bishops in Quene Marye's tyme—

1. Oglethorpe, B. of Carleile, who crowned Q. Elize.
2. Kitchin B. of Landafe.

\* Yet Mr. Joyce italicises the word "same" in his *Civil Power*, p. 137. Five years later in his *Acts of the Church* he quietly let drop this absurd fable.



There were bishops in the Parliament holden primo Eliz. & in the Convocation holden at the same tyme—

Edmunde B. of London.

John B. of Winton.

Richard B. of Wigorne.

Ralph B. of Covent. & Lichfelde.

Thomas B. of Lincolne.

James B. of Exon."

So that "the *said* bishops" were these last-named (viz. Bps. Bonner, White, Pates, Bayne, Watson, and Turberville), all of whom were deprived by Royal Commissions during that same "primo Elizabethæ." White, Watson, and Bayne were among the disputants, who on March 30th, 1559, contended publicly in Westminster Abbey against vernacular services, and against the right of National Churches to "take away and change ceremonies and ecclesiastical rites." \* Bonner, not otherwise unknown to fame, was requested, on January 24th, 1559, to present the petition of the Lower House of Convocation recognising the Pope as the "Vicar of Christ," affirming Transubstantiation, and the Mass sacrifice, and protesting that the authority of handling things belonging to the sacraments and discipline ought only to belong to the pastors of the Church, "and not to laymen." Tunstall had a book against "Communion in both kinds" ready for presentation.† Jewel wrote, May 22nd, 1560, "Bonner, . . . Pate, . . . and Watson are sent to prison for having obstinately refused attendance on public worship, and everywhere declaiming and railing against that religion which we now profess."‡ The ignorance of the writer of this "State Paper" is shewn in everything he says. For instance Cheney was neither an exile nor a bishop: he was not consecrated till 1562. Bp. Scot and the Abbot of Westminster, whose speeches in Parliament against the Prayer Book are preserved in Cardwell's *Conferences*, are not so much as mentioned. Nor does he mention among the Edwardian bishops Heath, Tunstall, Thirlby, Pole of Peterborough, Bourne, or Goldwell, though the first three were far more eminent than any of those named by him: Heath being the Lord Chancellor of England and Thirlby a well-known diplomatist who under Edward had taken the leadership of the R. C. party during Gardiner's absence. Sir Thomas Wilson's paper is merely a fair copy, so that he is presumably not responsible for its authorship.

Tunstall's successor in the see of Durham published a reply to a sort of controversial Catechism, in which the R. C. writer said "Our Saviour in His Gospel says, 'No man can serve two masters': that is to say the Communion decreed and appointed by the laity parliament *against the consent of the clergy* in Christ's Church, and also celebrate Mass, *decreed and appointed by the clergy in sacred synods.*" Bp. Pilkington dared not affect to deny that soft impeachment, having neither Canon MacColl's "great seal" document nor the alleged Acts of Convocation to support such a

\* Cardwell's *Conferences*, p. 24. Oglethorpe, too, was probably a disputant on the same side. See Tomlinson on the *Prayer Book* (Elliot Stock), p. 108, n.

† Parker *Correspondence*, p. 106.

‡ *Zurich Letters*, I.-79.

mendacious contention.\* It is submitted that a book published by a Diocesan in 1563 in reply to a yet earlier writer is better evidence of what took place in 1559 than a scrap of anonymous writing, even though copied in 1608 by Sir Thomas Wilson, who was a mere keeper of records.

Pity he did not keep in his official custody that Royal Proclamation "under the Great Seal" of which he speaks so confidently: it would at least have been less open to ridicule as a voucher.

So far from denying the fact, the Bishop of Durham replied—"God's truth is not bound to mitres, bishops and priests alone; but laymen may have, and oft have, better the true understanding of it, than those that look highest in the clergy: and therefore are to be believed and heard, as well as the priests." †

Canon MacColl says (p. 648), Tunstall "expressed his readiness to conform to the new ecclesiastical arrangements on condition that his diocese should be secured against the *illegal* iconoclasm which was taking place, with the *connivance* of some of the Queen's Commissioners, in the diocese of London." But Tunstall had not the impudence to suggest that the action which he disliked was "illegal." Had it been "illegal" the law courts would have protected him, and prohibition would readily have gone to the Commissioners, as the judges were then friendly to the "old faith." The "iconoclasm," as it is called, was not merely "with the connivance" of the Royal Commissioners, it was their own official public action taken directly in the name of the Sovereign herself. What did Elizabeth do to these lawless men who, in London itself, and immediately on the introduction of the Prayer Book, are known to have publicly burned or broken in pieces the altars, images and vestments? Canon MacColl might have found an answer in the words of the Spanish Ambassador, the Bishop of Aquila, who wrote to Philip of Spain on August 13th, 1559, his confidential report. He said—

"They are now *carrying out the law of Parliament* respecting religion with great rigour, and have appointed six visitors who examine all persons to whom the law decrees that the oath has to be administered, and they proceed against those who disobey. *They have just taken away the crosses, images, and altars, from St. Paul's, and all the other London churches, but encounter resistance as usual in the matter of the oath. In all else they do as they please, but it is thought that outside London they will not have it all their own way. They have deprived the bishops of St. Davids and Exeter this week, and the bishop of Durham [Tunstall], a very aged and learned man, came up from his diocese solely to tell the Queen what he thought about these affairs. He showed her documents in the handwriting of King Henry against the heresies now received, and especially as regards the Sacramentaries, and begged her at least to respect the will of her father if she did not conform to the decrees of the church: but it was all of no avail, and they only laugh at him.*"—*Spanish State Papers*, I.-89. *Lettenhove*, I.-595.

In the following month Tunstall was deprived: yet we are asked to assume that the Royal visitors consisting of statesmen, lawyers, and the bishops-elect of Elizabeth's own choosing, as well as of members

\* *Bp. Pilkington's Works*, p. 631, et. pp. 621, 623.

† *Ibid.*, pp. 626, 627.



of the very Parliament which had just passed the Act of Uniformity were acting "illegally," and were "conniving" at *their own* official acts within the metropolis itself at the very time the new law came into operation; and that Elizabeth on this being passionately represented to her, allowed Tunstall, a man respected by all parties, to be deprived in her name! Canon MacColl does indeed draw heavily on the assumed ignorance of his readers when he thus displays his own.

Lastly we turn to the last Revision of the Prayer Book in 1661-2. We are told that it was "entirely the work of the two Convocations": yet Canon MacColl tries to palm off the remarks of the Savoy Commissioners (p. 654) as authoritative, although their decision on the very point in question was decisively rejected by Convocation. Nor is the statement even literally true. Apart from the interesting question of post-Synodical changes, it is notorious that the share taken by York Convocation was almost *nil*, and entirely irregular. Any one who wishes to see how ludicrous this claim of formal Synodical deliberation is should read Mr. Wheatley Balme's *Church and the Ornaments Rubrics*. Mr. Balme was a member of the English Church Union: yet he admits that—for example—"the Ornaments Rubric passed both Houses of the Canterbury Convocation before the procuratorium, binding the northern priesthood to accept it, was given at York." His comic description of the sham election of representatives at York is "as good as a play." Nothing but sheer ignorance can explain the pride of the priest-party in the supposed value of this sham "Synodical sanction."

Canon MacColl tells us that at the last revision, both Church and Parliament "formally rejected the book of 1604" and "went back to the book of 1559, as corrected without formal authorisation in 1634" (p. 649). Herein is wisdom indeed. No correction took place in 1634. The black-letter printed book of 1636 (*not* 1634), which in fact was used during the progress of the revision, was a mere reprint of the book of 1604.

Both the 1604 and the 1636 copies were copies of the very self-same "book": but both were chosen because they ante-dated the period when Laud's alleged tamperings with the authorised text of the Prayer Book had been supposed to have taken place.

By striking out the Proclamation of James, and by resting the book which was in actual use during the year 1661 exclusively on Elizabeth's Act, the sacred Synod effectually condemn the theory of Abp. Temple in his "Lambeth Hearing," and shew that the Crown had *not* any statutory right to tamper with the text of the Prayer Book. On the other hand, seeing that by Canon 80 the Convocation in 1604 had acquiesced in the use of James's irregular emendations, it was quite permissible to work over the printed text of "his" book with a view to improve it; because the sanction of Convocation and Parliament, acting jointly, could cure any previous lack of warrant which had vitiated the Jacobean revision. Though not strictly legal, these addenda might well serve as materials worthy of legalisation, seeing that the Synod of 1604 had meekly taken over James' "Erastian" emendations which included, for instance, the latter half of the Catechism.

It is amusing to notice how the sprightly Canon frankly and freely contradicts himself. In his recent *Reformation Settlement* (p. 441), he had defended the legitimacy and authority of the "fraud rubrics" of 1559. He there exclaims with loyal indignation—

"But where is the proof that the Ornaments rubric was not in the copy of the Prayer Book appended to the Act of Uniformity when it was before Parliament? There is absolutely no proof, not a scrap of tangible evidence. It is certain that the Ornaments rubric was in the first edition of Elizabeth's book, printed simultaneously with the Act of Uniformity. Of that edition only two copies are known to exist."

Yet in *The Fortnightly* article, the same "expert" tells us—

"The Prayer Book described in the Act, moreover, *did not contain* the two rubrics—one of them being the Ornaments rubric—before morning prayer. . . . We are to use the Prayer Book, 'none other or otherwise' which the Act of 1559 describes and prescribes under heavy penalties. But no copy of that book exists" (p. 652).

It may be doubted which of these statements is true; or, indeed, whether either of them is true; but what is quite certain is that both cannot be true. The puzzle attempted to be created out of the (untruly alleged) "fact" that the book of 1559 "did not contain the Ordinal" (p. 652) and the further fact that it did not contain the black rubric (pp. 652, 654) is explained in *Tomlinson on the Prayer Book*, chapters xi. and xii.

Canon MacColl claims that a Latin translation of the Act of Uniformity in 1571 determines the meaning of the words "as was in this Church of England," in the 25th section of 1 Eliz. c. 2. He tries to slip in this pretended "authority" under Elizabeth's letters patent of 1560. But "THE" Latin Prayer Book, as he terms it, was not her's at all; it differs widely and in most important particulars from the Latin Prayer Book of 1560 for which her sanction may be legitimately claimed. But the latter did not contain either the Ornaments Rubric, or *any* translation of the Act of Uniformity; and the translation adduced by MacColl has no authority of any kind being a mere private adventure publication, and betraying all the blunders usual in such productions. Abp. Maclagan (surely no Puritan) said at the "Lambeth Hearing," "This Prayer Book has really less authority than the Latin Prayer Book itself"; and further, *mos* could not possibly render the language of the Statute because, as his Grace also observed, "one does not regulate a custom by Act of Parliament; it seems to exclude the Act of Parliament" (*Guardian*, June 14th, 1899). The truth is that the Act did not refer to any "customs" or to any "Use," but to what "was in the Church of England BY authority of Parliament"—*i.e.*, what had LEGAL EXISTENCE BASED ON STATUTORY AUTHORISATION. These two things (*viz.* the usages of 1548, and the Liturgy which supplanted and superseded them), so far from being identical, are "mere contraries." Chancellor Dibdin said, "it is not known who the editor of that book was, but it had a foreign publisher." As an "authority," therefore, it is absolutely worthless.

December 1st, 1889.

J. T. T.





# FASTING

## COMMUNION

“Let not him that eateth, despise him that eateth not: and let not him which eateth not, judge him that eateth. One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind.”

—*Romans xiv.*-3, 5.



THE employment of fasting, or of abstinence more or less complete, as a means of strengthening the will in its mastery over the “flesh,” and of concentrating attention for a time on the soul and its affairs, as well as of expressing the sense of unworthiness and of our deserving the punishment which, for us men and for our salvation, the Divine substitute was willing to bear, has always been recognised. On this ground the Kirk of Scotland appoints a solemn fast before each quarterly Communion, in order to deepen the intensity of that self-examination which the renewal of the covenant demands at the hands of every sinner admitted to “fellowship” with the Holy One.

If, therefore, any Churchman chooses to test the value of such an adjunct to his own preparation for the Lord's Supper, he is at full liberty to do so, observing always the Divine rule to conceal from others what is a matter so purely personal to himself (St. Matt. vi.-17).

But when this “bodily exercise” is imposed upon every  
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Christian as a duty, the omission of which constitutes a mortal sin, it is necessary to repudiate its obligation in the most strenuous and vigorous fashion, lest we be brought again into Jewish and Pagan bondage. St. Paul's teaching was perfectly clear. "If any man hunger let him eat at home" (1 Cor. xi.-34), in order to prevent distraction from the main purpose of the sacred Feast.

The following remarks might have been set down to "Puritan" fanaticism or "Low Church" prejudice, but for the circumstance that they are all selected from published utterances by typical High Churchmen. It may fairly be hoped, therefore, that they will receive candid consideration.

The BISHOP OF SOUTHWELL (Dr. Ridding), in his Visitation Address in 1896, said—

"I see a very real loss arising from a rigorous rule of fasting Communion, both in breaking up the unity of Church people's Communions who cannot conform to its methods, and also in destroying the use of the Holy Communion at public occasions, besides the individual evils of scruples which have no foundation but a supposed rule. I assure all who wish to know its obligation, and who are told that it is an universal Church rule from primitive times, that *there is no ground for this*. The first mention is four hundred years after Christ, and then the Council of the African Church at Carthage made a rule. But what was the rule? Not for the people at all, but a canon amongst those for the clergy, that the celebrant should fast before. Such a canon so limited is complete proof that universal fasting for the people was no existing rule then,—*i.e.*, during the three centuries which count as our primitive guides. No general rule was made before the Council of Constance in the fifteenth century, which has no obligation for us."

Bp. S. WILBERFORCE in his last address, a few days before his death, said—

"It is not in a light sense that I say this new doctrine of fasting Communion is dangerous. The practice is not advo-



cated because a man comes in a clearer spirit and less disturbed in body and mind, able to give himself entirely to prayer and communion with his God, but on a miserable, degraded notion that the consecrated elements will meet with no other food in the stomach. It is a detestable materialism. Philosophically it is a contradiction: because when the celebration is over, you may hurry to a meal, and the process about which you are so scrupulous immediately follows. The whole notion is simply disgusting" (Dean Burgon's *Lives of Twelve Good Men*, ii.-56).

The BISHOP OF TRURO in supporting the appointment of a committee of bishops to report on this growing superstition, said—

"I find many persons who will only come fasting to the altar, resort to methods which are surely undevotional, *e.g.*, lying in bed, or smoking to stay the growth of hunger, if they are obliged to go to a late communion." And the BISHOP OF CHICHESTER on the same occasion said—

"To my own certain knowledge, this teaching has weighed grievously upon some whose consciences are tender and deserve a better treatment."

The late ABP. BENSON in his Charge of 1885, on "The Seven Gifts," said—

"Let us not corrupt reverence into superstition by a fierce insistence upon fasting Communion. In itself it is a natural and pure form of reverent devotion for those capable of it; always remembering that it is a means to an end, and that if it spoils temper, health, or home peace it is spoiling religion. It was customary with the old evangelical school, and with persons of old-fashioned piety long before them, not as a burden, but as a comfort. In health, and at reasonable hours, a lightness, a clearness, a disengagedness go with it. But I see now the insistence on it gradually depriving delicate persons of the Eucharist for long periods. I see it dividing the clergy and making some unwilling to attend, and some unwilling to receive, at the only eucharistic gatherings possible

for their brotherly intercourse. I see some clergy falling into idle habits and wasting the morning hours even of Sunday in order to be able 'to take a late celebration' as it is said. And if these sights startle us with at least apparent reminders of certain Divine remonstrances, the awe of them deepens as we connect them with contemporary phenomena.

"If materialism in various shapes outside the Church alarms many as a tendency of the age, we have read and noticed but little if we do not with the earliest fathers perceive, and with the latest observers verify, the fact that within the Church there is sure to be some corresponding and correlative tendency. And so it proves. There is a materialistic tone and temper about certain denunciations and directions which are published among us. Materialists might point to them (if they thought it worth their while) to shew that the identification of spirit with matter is not so novel a doctrine."

Two illustrations of the gross materialism of such teaching may serve. In *The Times* of December 28th, 1898, Mr. A. W. Macdougall says—

Another correspondent writes: "We once made it our business to attend a whole set of classes for young catechumens preparing for their first communion in France, and heard, with our own ears, the giving of these injunctions, not to drink water or clean their teeth before going to the altar. More than that, the curé strongly counselled them to abstain from eating cakes and chocolates immediately after receiving the Eucharist, saying, '*Il ne faut pas tremper le bon Dieu avec chocolat*!' Anglicé, 'You ought not to smother the good God in chocolate'!"

Father Chiniquy tells us that "the good God" is the customary title of the consecrated wafer! It appears, however, that even this may be condoned for cash.

"I was present a few years ago at a marriage in France as one of the guests invited to a *déjeuner* to meet the bride and bridegroom. After the *déjeuner* we took drives and returned to a supper and ball, and at 12 o'clock midnight the dancing temporarily



ceased, and the bride and bridegroom, having first gone through the formalities of the civil marriage, entered the cathedral at about a quarter past 12 o'clock, when the religious marriage was performed with all the pomp and ceremony of the Roman Catholic Mass, and after it was over we all returned to the ball-room, the bride and bridegroom leaving an hour or two afterwards. Upon making inquiries as to why the marriage took place at midnight, I was told that it was the 'rule' of the Roman Catholic Church that the Sacrament should be celebrated and partaken fasting, and that as neither the priests nor the bride and bridegroom had tasted anything since 12 o'clock the 'rule' had been observed by celebrating the marriage at a quarter past 12 o'clock !”

In *The Church Review* (Lord Halifax's organ) for April 22nd, 1897, M. R. Butler tells us: “The Papal *indultum pro suscipienda sanctissima communione citra jejunium* costs only five francs fifty centimes, and may be purchased by any layman. One makes the application, accompanied by an episcopal recommendation, to Monsignor Felix Cadène, Via Coronari, 181, Rome. On the money being received in Rome, then that which before was a mortal sin, not only ceases to be sin at all, but is entirely in order.”

As a sample of this pseudo-“Catholic” teaching as given in Ritualistic ‘manuals of devotion,’ take the following—

“Make a good supper to-night, for it may be rather late before you get any breakfast to-morrow; and you must on no account wherever (*sic*) eat or drink anything between midnight and your Communion. The Catholic Church requires that the Blessed Sacrament be received fasting, and you are bound as a Catholic to observe this rule; so you must not let yourself be persuaded to take a little tea or a little milk, or anything at all in the morning before your Communion; because that would be to disobey the Church. If you make a proper supper to-night you will easily be able to wait for your breakfast till after Mass to-morrow.

“Let me advise you also, while we are on this matter of fasting Communion, to rinse your mouth well overnight, so that you may not have to do it in the morning. It is well not to run the risk of swallowing even a little water accidentally, before communicating; and to have to be careful in all such things helps to make us reverent, and reminds us how great and holy the Blessed Sacrament is” (*The First Communion*, p. 21, published by Knott).

This superstition has assumed such proportions, that on May 1st, 1892, the Lower House of Canterbury Convocation presented to the House of Bishops this *gravamen*—

“The gravamen of the undersigned sheweth (1) that, whereas it is admitted by all who have studied the subject that from early times it was the custom amongst Christians to communicate fasting, and that this custom has been followed by many godly persons in the Church of England subsequently to the Reformation: (2) and whereas the said Church of England has nowhere in her authorised formularies, articles, canons, or homilies, inculcated or recommended the said practice: (3) and whereas Holy Scripture is altogether silent upon this subject, albeit it censures other profanations of the Holy Sacrament: (4) and whereas the Church of England expressly lays down in the Sixth Article, that whatsoever is not read in Holy Scripture, nor may be proved thereby, is not to be thought requisite or necessary to salvation, and again in the Twentieth Article, affirms that the Church ought not, beside the same (Scripture), to enforce anything to be believed for necessity of salvation: (5) and whereas the Church of England exacts from all priests at their ordination a promise that they will teach nothing as required of necessity to eternal salvation, but that which they shall be persuaded may be concluded and proved by Scripture: (6) and whereas the undersigned are credibly informed that certain priests of the Church of England do now teach that it is a sin to communicate otherwise than fasting: (7) and whereas this teaching is a burden to the conscience, and cause of distress to many Christian people; *Reformandum*, That their lordships of the Upper House be humbly prayed to take such steps as they, in their wisdom may deem best on this grave matter, with a view to allaying the present distress and perplexity.”

In the following May, the Upper House unanimously adopted a Report which said, *inter alia*—

“That at the Reformation, the Church of England, in accordance with the principle of liberty laid down in Article



XXXIV., ceased to require the Communion to be received fasting," and that "Regard being had to the practice of the Apostolic Church in this matter, to teach that it is a sin to communicate otherwise than fasting, is contrary to the teaching and spirit of the Church of England."

And the York House of Bishops unanimously adopted a resolution on May 12th, 1889, in which they said—

"The circumstances of the Institution of the Holy Eucharist exclude the thought that taking food shortly before disqualifies for reception. The same conclusion follows from St. Paul's treatment of this Sacrament in 1 Cor. xi. Nor is the obligation of fasting reception supported by any authority of Scripture or by any Apostolic ordinance. The conjecture of Augustine that it was one of the points which St. Paul 'set in order' rests on no historical foundation. . . . When the custom of fasting reception was once established, even in a limited range, it was likely to appeal to the general tendency of the Oriental mind towards ascetic practices, but the adoption of the custom was ultimately accompanied by serious evils."

But on such a subject we can hardly quote a "higher" authority than Dr. Pusey himself, who wrote to his friend, Canon Perry, of the E. C. U.—

"CHRIST CHURCH, OXFORD.

"March 15th, 1879.

"MY DEAR PERRY,—I have been in the habit of saying:

"1. That there can be no intrinsic irreverence in non-fasting Communion, since (a) our Lord instituted it after Supper; (b) the Communion is given to the sick, although not necessarily *in extremis*.

"2. There is no positive law of the Church upon the subject.

"At one time it was supposed that there was, and Bishop Forbes (whose authorities were often out of the common path, but accurate) told me that in consequence dispensations used to be given to the Kings of France and Spain to receive Communion non-fasting, because it was thought edifying to their subjects to see them communicate.

"Provincial Councils and the Council of Constance have forbidden non-fasting Communion, but no Council to whom we owe obedience . . . It is, then, perfectly arbitrary to date the beginning of the fast

from 12 p.m. We are not bound to it, not being under Roman rule. This might meet the case of taking food—*e.g.*, *milk* at night *before* 6 a.m. . . . The case of the midnight Communion on Christmas night shews that the mere fact of having taken food is not in itself a hindrance to communicating. For if Christmas Day fell on a Monday (as it did a few years ago), then the Roman Communion also allows a person to have full meals all through the Sunday. I have heard two different accounts (*a*) that persons have to abstain from 6 p.m. on the Sunday, which if the dinner has been (as it may be) a full meal, is no abstinence at all, or (*b*) that they are under no limitations. But, anyhow, there is no difference in principle between a person communicating at the midnight Communion after all the meals of Sunday the midnight being merely a conventional distinction), and taking what is necessary to sustain strength, to keep up attention, and so to communicate devoutly, at a sufficient distance of time. All Roman Catholics hold that the Bishop of Rome could dispense with the rule of communicating fasting; they cannot, then, hold it to be Divine law. The command to communicate is Divine. The rule of non-communicating after food is human. If, then, they notably clash, the Divine command supersedes the human" (*Life of Bp. Durnford*, p. 219, or *Pusey's Spiritual Letters*, p. 267).

But the teaching of St. Paul and of the New Testament goes much beyond this, requiring us to refuse absolutely to connive at any observance which is imposed as a religious duty without Divine warrant. See Acts xv.-10, 24, Gal. ii.-4, 5, 14, 17, v.-2.

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“ PROCTER



ON THE

PRAYER BOOK ”

AS

“ RE-WRITTEN ”

BY MR. FRERE

*“ Priest of the Community of the Resurrection.”*

A Review

BY

J. T. TOMLINSON.

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*(Reprinted from the “ Church Intelligencer.”)*

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A REVIEW OF

Frere's "Re-written" Version

. OF .

"Procter on the Prayer Book."

(Reprinted from the "Church Intelligencer," August, 1901.)



"**P**ROCTER" has held the field for "nearly half a century" as the best student's book hitherto published, and it is something like a calamity that it should henceforth be unattainable except in this "re-written" version. It has long been a favourite polemical device to seize upon a standard work and make it the vehicle for some "editor's" controversial fables. Thus John Mason Neale garbled the *Pilgrim's Progress*, making the old Puritan talk "good churchy" divinity. Hooker has fallen among sacerdotalist editors who by successive commentaries on their author have sought to dilute and minimise his outspoken Protestantism. Canon MacColl is doing the like office for Palmer's *Treatise on the Church*; and here we have "Procter" overlaid with the Neo-Catholic emendations of modern sacerdotalism! This will probably have the effect of considerably raising the market value of the older editions; just as Mr. Maskell's *Monumenta Ritualia* fetches a higher price in its original and unaltered form, from which, by the way, even Mr. Frere takes his references. Some valuable features in the former edition of Procter have been omitted, such as his very useful "Table of Dates;" and much of the apparent increase in bulk is due to printing in large type, what the old "Procter"

\* *A New History of the Book of Common Prayer on the basis of "Procter."* Revised and rewritten by W. H. Frere, Priest of the Community of the Resurrection. (Macmillan.)

No. 304.—August 12th, 1901.]

relegated to small type—thus obscuring for students the portions of their text-book which might safely be left over for later investigation. Much of the new matter is merely a popularising of the new School of French Ritualists whose speculative dogmatizing marks not so much additional information as the “newest fashion in religion.” The “corrupt following” of French Roman Catholic writers marks the present fashion. Yet even Mr. Frere admits, from time to time, how little reliance is to be placed on the “learned” guesses of these “experts.” Thus on p. 8, his footnote gives away his text by saying “the view stated above though more tenable is far from certain.” So, again, at p. 313, after adopting in the text Battifol’s statement that “A Western type of service had grown up in the religious establishments which had become attached to churches in Rome,” he thus discounts the voucher in a footnote, saying, “But the Hippolytean Canons are now recognised as Alexandrian *not* Roman, being a letter sent by the Patriarch Dionysius to Rome by Hippolytus.” His account of the “Origin of Divine Service” is similarly qualified in a small-typed footnote:—“The whole of this history is very obscure, and most of these questions, such as the mutual relationship of secular and monastic services afford plenty of scope for conjectures, but very little for statements of established fact” (p. 349). Again, as to the earliest English service books, the whisper of the footnote dogs the confident steps of the text—for “The view here adopted of the relation of the Roman to the Gallican rite is only one of several rival views.” Other like admissions might be quoted: and they deserve notice not only because they are just, but because the useless pedantry of the text constitutes the chief claim of this “re-written” and “new” history to supersede the more cautious conservatism of the discarded “Procter.” The self-complacency of our younger clergy is based largely on their superior knowledge of such apocryphal details, which, even if true, would not really matter two straws for any useful or serious purpose.

Before the Reformation there was no “common prayer” in



England. Mr. Frere says "in practice the pre-Reformation congregation did not expect to follow every point in the services. The people knew little of the breviary hours except for Sundays, and the hours which they knew best were the Little Hours of the Blessed Virgin Mary which were commonly said during mass."\* Yet Mr. Frere is in love with this discarded type of worship. Thus he laments that in the First Prayer Book "reform necessitated the removal, not simply of objectionable features in the old services which *were but few*, but still more of innocent things . . . *many* a beautiful and valuable feature was sacrificed" (p. 54). He claims that the Devonshire rebels "in urging the doctrine of the Real Presence . . . were taking up very solid ground" (p. 57), and he contends that in returning to the pre-Reformation standard of the "last year" of Henry VIII., Mary Tudor "made no step towards Rome or popery" (p. 92). Yet the bloody Act of the Six Articles was in full swing during that year of terror. On Mr. Frere's shewing neither "Rome" nor "Popery" was answerable for the murder of Anne Askew or her fellow martyrs. It was a strictly "Anglo-Catholic" holocaust! Hence Mr. Frere is looking forward to a reactionary revision of the Prayer Book, towards which the present volume may serve as a guide. Hence, too, after lamenting (p. 225) that though "Since 1879 the position has greatly changed. The Liturgical expansion which has been such a marked feature of the Catholic revival has gone on apace; old puritan glosses have been discarded; truer and less narrow interpretations have been given to the old provisions; but *as yet* no revision has been made." "The English Liturgy still lags behind its Scottish and American daughters, and its best friends are those who would most desire some amendment and reform" (p. 474).

It is obvious that Procter would need a good deal of "re-writing" to adapt it to this crypto-Roman stand-point.

\* For some account of this work see *Rogers on the Thirty-nine Articles*, pp. 38, 214, 220, 227, and *Private Prayers of Queen Elizabeth*, Preface xxi. Both published by the Parker Society.

And as the clergy of the future will probably be nurtured on this "new" diet, it is worth noticing how this change of front is worked out. For the sake of clearness it will be convenient to divide the inquiry by the reigns under which the successive changes were effected.

#### HENRY VIII.

Mr. Frere (like Mr. Maude) candidly recognises that the so-called "Committee of Convocation" (which was really a *Royal Commission* of sundry members of Canterbury Convocation, Cardwell, *Synodalia*, 421) upon which Mr. Joyce, Dean Luckock, and others, have laid such stress, had nothing whatever to do with the compilation of our Prayer Book. He says, "There is no sign that the Committee nominated by Convocation ever set to work" (p. 33). Yet he fails to notice that Cranmer's "experiments in the reform of the service books" were addled by the back-stairs influence of his rival Gardiner. He refers, indeed, to Cranmer's letter to King Henry, January 24th, 1545, but omits to give the result which is chronicled in Cranmer's *Remains*, Parker Soc., p. 415, note.

#### EDWARD VI.

The first event noticed is the restoration of the cup to the laity. Mr Frere says "the proposal for communion under both kinds was approved *nullo reclamante*, and at the same time a bill was passing through Parliament which included a provision to the same effect." This might convey, what Mr. Joyce and other sacerdotalists roundly assert, viz., that the reform was initiated by Convocation.

"The fact being, that the Bill which was read a first time in the Lords on November 26th was not submitted to Convocation till November 30th. The Lower House of Convocation, says Dr. Stubbs (p. 142), largely 'consisted of men who were indisposed to the new policy, and kept silence in hopes of a possible reaction;' the irregular and equivocal nature of their alleged assent is described by Dr. Gasquet in his *First Prayer Book of Edward VI.*, pp. 75, 76. Five Bishops voted against the Bill in the Lords and eleven others absented themselves."\*

\* Tomlinson's *Lay Judges in Church Courts*, p. 72.



Of the *Great Debate* held in 1548, Mr. Frere alleges that 'Mr. Tomlinson in his [sixpenny] edition corrects some of the mistakes' of Dr. Gasquet, the Benedictine assailant of Cranmer, but "errs on the other side." It is not clear what is meant by "the other side," and Mr. Frere will do well in future editions to give some hint as to the nature of the alleged "errors." It is impossible to refute unspecified charges so vaguely alleged, however baseless in themselves. Mr. Frere next states, quite erroneously (p. 57), that "all ecclesiastics except Cranmer had been eliminated from the Privy Council," whereas Bp. Goodrich was a regular attendant at its meetings. He calls the 3 and 4 Ed. VI., a "statute of 1549" (p. 23). He complains (p. 59) that the Royal Visitors in 1549, when enforcing the First Prayer Book, "expressly forbade some things which the book had only omitted;" as though the book itself did not characterise such things as "ceremonies abolished" in contrast with the others "retained" by being mentioned in the book itself. He says (p. 59), the Royal Visitors "attacked oil, chrism, and altars, which the book had retained." This is simply a blunder. Had he compared the Visitation Articles referred to with the *Formularies of Faith* (p. 310), he would have seen that the three nouns are genitives, and that it was the "hallowing of oil, chrism, and altars" which was denounced as being "contrary to the King's Majesty's proceedings," and that because of "the popish manner."\* Mr. Frere describes the words of distribution in the First Prayer Book as being "ancient" (p. 53), which is just what they were not. The reference to the bygone sacrifice on Calvary was entirely new, and it described "the Body" not as being given "to" the communicant, but as *having been* given "FOR" him, sixteen centuries before. He attacks Bp. Ridley (p. 68) as one "who by a miserable alienation of the Church's property, had acquired the place of the deposed Bonner." For this slander he refers us to Dixon, III.-197, who, however, does not make any such innuendo.

\* Before the Reformation there were special services for hallowing the font, oil, and chrism. See Maskell, *Mon. Rit.* i.-13; Lyndwood *Provinciale*, lib. I. tit. 6.; Johnson's *Canons*, ii.-263; Bp. Pilkington's *Works*, p. 526.

Dixon admits that the See of London actually gained by the exchange, and that the Dean and Chapter were parties to it. Moreover, it took place after and not before Ridley's appointment. All the authorities, Strype, Heylyn, and Gloucester Ridley are against Mr. Frere in this ill-natured invention. Nor is he more trustworthy in his account of Bucer's letter written six weeks *before* the First Prayer Book came into use, and describing the temporary compromise which he actually saw. "This," says Mr. Frere, "was clearly a hasty review of the book, written as he made his first acquaintance with it through the medium of an interpreter." But his voucher relates to a much later period, and Bucer says nothing whatever about the "book" except that he was waiting for its translation, but says plainly, "De rebus Anglicis nihil adhuc certi vobis scribere possumus:" he did not then know a word of the language and had not been forty-eight hours in England. To speak of him as "reviewing the book" under such conditions is absurd. Mr. Frere makes up for this by understating the evidence of Heylyn against the pretended synodical sanction of the First Prayer Book.

He admits that Heylyn "had every opportunity of knowing and every inducement to call attention to such a record": but, in fact, Heylyn *positively* asserts the contrary in his *Cyprianus Anglicus*, p. 326, ed. 1668, where he says neither Edward nor Elizabeth "dare trust their clergie, but acted sovereignly therein of their own authority; but only giving them the strength of an Act of Parliament." Mr. Frere's animus is also shewn in his comment on Martyr's objection to Reservation for the sick, "because he held *falsely* that 'the words [of Institution] belong rather to men than either to bread or wine'." But surely Martyr was entirely right in saying that the "verba Cœnæ" were addressed to men, and are purely *relative* to men. It was not of Elements "consecrated," but of elements "eaten" by men and "drunk" by men that the "verba Cœnæ" were spoken.

Our later experience completely vindicates Martyr's objection; for the magical theories of the value of mere reception without any conscious joining in prayer or praise, or in mental repro-



duction of the events of the Institution, tends indisputably to degrade the entire rite into a mere dynamical "miracle" with nothing properly spiritual about it.

It is interesting to note that Mr. Frere recognises the latent Protestantism of the First Prayer Book. He recognises (p. 59) "how unstable it was as a basis for a new and lasting régime"; for "the book was unpopular everywhere; and though conservative priests made the best of it for the moment by retaining [illegally] the old ceremonial, they made no delay to restore the Latin Mass on the first news of the death of K. Edward" (p. 64). He quotes Gardiner's gloss that the 1 B. Ed. taught that we receive the Body of Christ "with our mouth" (p. 67), but he is careful to suppress Cranmer's refutation of that shocking doctrine which occurs on the very next page (*Cranmer on Lord's Supper*, p. 56).

He candidly regrets the lowered doctrine of the Reformers on the Eucharistic sacrifice (p. 459), in which "the offering is one of 'prayers' in place of 'gifts, offerings and undefiled sacrifices'," and "the term oblation is applied not to the Eucharistic oblations, but to our Lord's sacrifice of himself."

Yet he cannot resist the temptation to assert that the First Prayer Book called Holy Communion "the Mass;" which is untrue. It merely spoke of the rite, when restored to its primitive form, as one that was at that date "commonly called the Mass," which is quite a different matter. Vulgar usage then misnamed many other sacred things which in their first institution had been entirely scriptural, though far different from their later caricatures. One plausible and pretentious argument is advanced to shew that

"the book could not be used except by applying to it a knowledge of the method of performing the Latin service. It was assumed that the priest would know, for example (i.) the old rules for the ending of the collects; (ii.) the old preface for Trinity Sunday and its variation from other prefaces; (iii.) the rules for saying or not saying of *Gloria in excelsis*" (p. 66 note).

Now, in the first place, even if these instances could be

sustained, they would not prove more than that in a *first* attempt to include in a single book all the directions which had been customarily scattered over many books, some oversights and omissions might be anticipated, to be set right in subsequent revisions. But not one of the cases named will sustain the weight laid upon it. (i.) By looking at the endings of the collects in the Parker Society's edition of First Prayer Book, it will be seen that in Grafton's later editions the defect was remedied, and (N.B.) *not* in the way that the "Latin" rules prescribed. (ii.) The Preface for Trinity Sunday was *not* conformed to the language of the Latin version given on p. 490, and (iii.) the rules for using or omitting the *Gloria* were prescribed by an entirely fresh rubric (*Ed. Lit.*, Parker Soc., p. 95) and not left to traditionary use. So that in his own three chosen instances, Mr. Frere's attempt at bolstering up "continuity" fails absolutely.

### *The Second Prayer Book.*

Mr. Frere is commendably free from the effort made by most of his party to represent Cranmer as having weakly suffered himself to be overborne by self-assertive foreigners, to whom, though mere refugees dependent on his bounty or patronage, he is represented as shewing extraordinary deference. On the contrary, Mr. Frere says: "The opportunity for which Cranmer and the Reforming bishops *had been waiting* was now come for obtaining public authorisation for" the views they had publicly avowed in the *Great Debate* of 1548, but to which they were then unable to give full effect. That the changes actually made in 1552 were due to Gardiner's "mistaking" is also admitted (p. 81), though it is erroneously stated (on p. 311) that the new ornaments rubric of 1552 and that relating to the place of saying the service "were set to face the beginning of morning prayer." This is probably due to Mr. Frere's having made use of James Parker's inaccurate reprint of 1883, or 1886, which, while professing to follow "Whitchurch," devotes a separate page to these two rubrics. That unwarranted arrangement it



may be remembered was also adopted by the printers in the Black-Letter edition of 1636 which was used in the Last Revision of the Prayer Book: the result being that the "Annexed Book" had also the same arrangement, to which an absurd importance has since been attached by some commentators. Mr. Frere omits the important comma after the words "the chancels shall remain" (p. 359), which is also customary with ritualistic writers. The reasons for this economy are explained in our Tract 192. He is wrong, too, in representing (p. 83) the Second Prayer Book as merely "far advanced" in its printing on September 27th, whereas all Grafton's copies were dated August and some copies were apparently still earlier. Nor did Cranmer make a "despairing protest" (p. 84) against the striking out of his new rubric prescribing kneeling at the sacrament. On the contrary he promised to reconsider the matter in concert with Ridley and Peter Martyr, but at the same time pointed out that it was *ultra vires* for the Privy Council to set aside statutory rules laid down by the King in Parliament. There can be no reasonable doubt that the Black rubric was his own drafting for the very purpose of resisting the pressure put upon him by Knox and Hooper, supported by Alasco, and possibly egged on by the false Duke of Northumberland. The odd thing is that Mr. Frere should nevertheless represent the book as being "against the Archbishop's will" whereas it was the exact embodiment of his own publicly uttered views, the black rubric being his own successful defence of the rubric for kneeling, against Puritan influences at Court, and the very wording of the changes taken from his own published writings, as in the well known language of the Prayer of Consecration (see *Cranmer On The Lord's Supper*, p. 79, Parker Soc. edit.). Mr. Frere says the "draft of the Articles of Religion contained the same obnoxious provision" for kneeling (p. 84); a mistake which betrays some vagueness and confusion of thought. Lastly we have the stale misrepresentation that the Act of Uniformity in 1552 "declared that the First Prayer Book had contained

nothing but what was agreeable to the Word of God." This is due simply to misquotation, the declaration relating not to the "book" but to the use of the Mother tongue in public worship, a reference concealed by leaving out the words standing next to it in the sentence. This has been pointed out so often that Mr. Frere should be ashamed to recur to so barefaced a fallacy.

#### ELIZABETH.

Mr. Frere says, "There is no sign of a formal commission, nor even that the Divines nominated met as was proposed at Sir Thomas Smith's house." Strype, he justly observes in a note (p. 98), "gives no authority" for his statements. He might have added that Strype actually invents questions, alleged to have been put by Cecil, which did not exist in the paper from which he obtained his information, and which is still extant. Geste does not profess to speak as one of a committee, but furnishes his own *personal* reasons for approving a revised draft sent by himself to the Prime Minister. This was characteristic of Geste, who afterwards tried to alter several of the Articles of Religion by similar recommendations sent privately to Cecil. But the Act of Uniformity (1 Eliz. c. 2) is silent as to any extra-parliamentary revision. Mr. Frere is resolutely silent as to the lack of authority for the *printed* "rubrics" (?) substituted by Queen Elizabeth for the "ornaments rubric" of 1552, and for that as to the place for morning prayer. The fact that Bishops Gibson and Cosin, and the Lords' Committee in 1641, together with a long catena of Puritan writers had drawn attention to this fraudulent substitution, has apparently never reached Mr. Frere's ears! Even the dicta of the Judicial Committee of Privy Council in the Ridsdale case cannot excite him to notice the facts. The reason is obvious. It is on this fraud, and this *alone* that the entire Ritualistic theory rests. Students therefore must be kept in the dark if they are to cleave to this ceremonial palladium. Yet, unlike Canon MacColl, Mr. Frere candidly admits that "the fraud-rubric" was ignored in practice. "The use of

the earlier ornaments was *not* generally introduced" (p. 105), "the ornaments rubric was *from the first* set aside" (p. 110), "Chasubles had not *in fact* been worn between 1560 and 1566, though prescribed" (p. 365). Surely such facts need to be accounted for. And this is attempted after a fashion by adopting Mr. James Parker's fable that the *Interpretations*, so-called, had substituted the cope instead of the chasuble. He attributes this apocryphal paper to the year 1560 (p. 105) and speaks of the bishops as "determining" the controversy by "the issue of the *Interpretations*." But, alas for this theory, the *Interpretations*, were of later date, they were never "issued" at all, they were never completed even in draft, and were never signed by anybody.

Yet this absurd theory of Mr. Parker's is gravely put before students as "new history." Like unto it is the statement that in the *Zurich Letters* Beza complains of chasubles (p. 365). For this was long after the issue of the Advertisements, and Beza, who had never been in England, was relying merely on his impressions derived from the exaggerated accounts given to him by the Puritans. For example, in the same letter, he spoke of their being compelled to swear that the Queen was the "Supreme Head"—a statement notoriously untrue, as the Queen publicly refused to permit that title to be conferred on her. It is stated (p. 103) that the proclamation for communion in both kinds came to nothing, and was merely a "proposed alteration." But that proclamation did issue, and a contemporary copy is preserved in Dyson's collection. Moreover, the statute of Edward was revived, and the Spanish State Papers shew the efforts put forth, *in vain*, by the Spanish ambassador to postpone these measures until Easter Day had passed by (*S. P. Spanish*, I. 50). The Injunctions of 1559 are misrepresented as ordering plain song in *all* churches, though the context shews that Inj. 49 related merely to churches with endowed choirs, and Mr. Frere has himself elsewhere given evidence to the contrary (p. 65, n.). Again he suggests that Queen Elizabeth could hardly be prevailed upon to remove altars: whereas



the Order appended to her Injunctions *assumes* that "the form of the law" *required* their removal and that too in "every church," and it merely regulated the *manner* of conducting that prescribed alteration (p. 104). The *Advertisements* of Elizabeth are said (p. 110) to have been issued by the Archbishop "without the Queen's authority," a question of pure law which has been twice decided by the Supreme Court in the opposite sense. An order made by Royal Commissioners "by virtue of the Queen's letters commanding the same" was a sufficient compliance with the requirements of the statute. The remarks on prayers for the dead may be usefully compared with the notice of Elizabeth's *Primer* in Canon MacColl's *Caricature of the Reformation Settlement*, p. 13, published by the C. A.

#### JAMES I.

Mr. Frere ignores the irregularity, not to say illegality, of the "Erastian" revision of 1604 for the sake of the "Catholic" improvements then introduced, and claims that it received synodical sanction, because it had recognition from Canon 80. But this was *after* the book was in use, and the Canon itself expressly rests it *ex regiâ auctoritate*. If *ex post facto* condonation will suffice, none of our formularies lack ample "synodical" approval.

#### *The Last Revision.*

The only point needing special notice is the confident but unsupported statement that no changes took place in the Prayer Book after it left Convocation. In particular, the black rubric though admittedly inserted "after the Annexed Book had been written" up, yet is alleged to be "clearly before its subscription." Such assertions are easily bandied about. But it is not true that the amendments by the Privy Council were "categorically denied by the King's own words." On the contrary, he reminded the House of Lords that his mandate to the Convocations had required them after drafting the revised book to "exhibit and present the same to his Majesty in writing for

*his Majesty's further consideration.*" This further consideration was given by the aid of Bishops Sheldon, Cosin, Morley, Fearne and Henchman, who were *not* the Committee appointed by Convocation; and any one who will compare Mr. Milton's *Church Perplexities*, chap. xiii., with Lord Selborne's *Notes*, will recognise that his Lordship, while refuting the notion that the House of Lords altered the Prayer Book, does not even touch the question of changes intermediate between the transmission of the book to the King and his forwarding it the House of Lords. The book was signed by both Convocations, December 20th, 1661, but was not forwarded to Parliament by the King until February 24th, 1662. Bp. Gunning, by the way, was not one of the bishops consulted by the Privy Council. The evidence from internal testimony is very strong indeed, and Mr. Frere does nothing to combat it, beyond rash and confident assertion. We may mention what has not before been published that among the papers of the late Dean Elliot of Bristol were some extracts from the MS. Minute Book of the Privy Council, which are not given in full by Bp. Kennet in his *Register*, nor by Mr. Tomlinson. The entry on "February 19th, 166 $\frac{1}{2}$ ," is in these words: "It was this day ordered, his Majesty being present in Council, that the Book of Common Prayer lately presented to his Majesty from the Convocation be brought to the Board on Friday next, and that his Majesty's Attorney General do prepare a message against the time with which it may be fit for his Majesty to transmit the said Book of Common Prayer to the House of Peers." The importance of these last words (not given by Kennet) is as shewing that the "message" was drafted *before* the debate in the Privy Council had been held and therefore could not be "evidence" of what took place subsequently.

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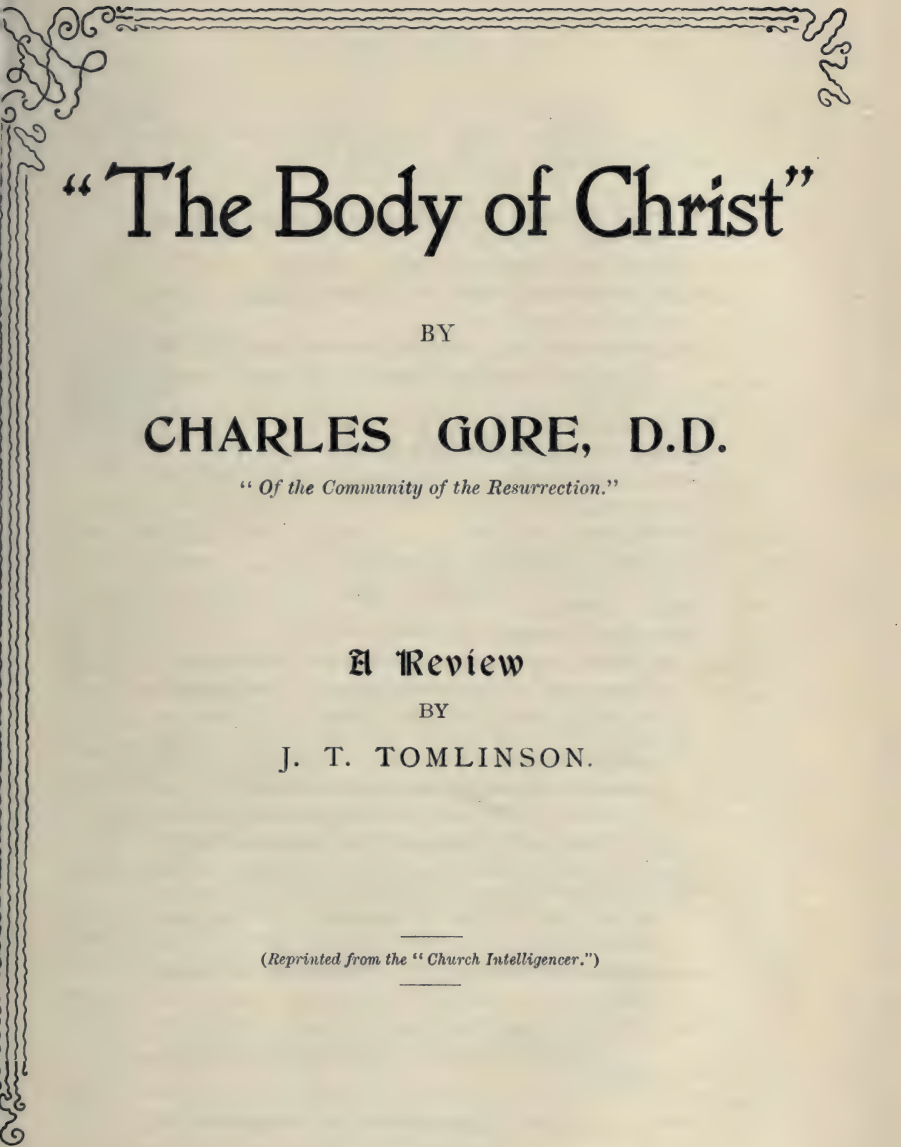
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# “The Body of Christ”

BY

CHARLES GORE, D.D.

*“Of the Community of the Resurrection.”*

A Review

BY

J. T. TOMLINSON.

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*(Reprinted from the “Church Intelligencer.”)*

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London

CHURCH ASSOCIATION, 14, Buckingham Street, Strand

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# A REVIEW OF "The Body of Christ."\*

(Reprinted from the "Church Intelligencer," January, 1902.)



HE "Community of the Resurrection," consists of a band of celibate clergymen who are devoting themselves to bringing about the conversion of English-speaking Protestants to "Catholicism" by rewriting our theological literature. Mr. Frere's "rewriting" (to use his own most happy expression) of *Procter on the Prayer Book*, reviewed in August last, is a good illustration of these new methods. Canon Gore's book belongs to the same effort. There is, we think, no reason to doubt the personal *bona fides* of either of these writers: and, to say the least, while both works are mischievous and misleading, these publications deserve the credit of painstaking and of (comparative) moderation as well as scholarship, such as is altogether wanting in the writings of flippant railers like Canons Knox-Little and MacColl. But on that very account they are the more likely to do harm.

Dr. Gore's book, though plausible, is full of manifest contradictions. He himself says that he "cannot understand how any one, after reading what he has said about the Adoration of Christ in the Sacrament, or about Non-communicating attendance, could think of him as condemning either practice. Indeed, to do this," he says, "would be to condemn my own religious habits." (*Preface to Second Edition*, p. v.)

We may therefore lay down as our first fixed standpoint that the Adoration of the Host, and "Hearing Mass," are "habits" of the Bishop-nominate of Worcester. Both these "habits" turn upon his belief that the "Fathers" always held "that what was present in the Eucharist, in some not easily definable relation to the bread and wine, was the body and blood of the

\* *The Body of Christ*, by Charles Gore, D.D., of the Community of the Resurrection. (2nd Edit. Murray.)



*glorified Christ*” (p. 110), which, he admits, was not even in existence when the Supper was instituted (p. 315).

In his celebrated sermon before the Confraternity of the Blessed Sacrament, in 1889, Canon Gore said that “Christ is present in the Eucharist indeed externally to us, objectively and really: He is present as the Bread of Life, the sacrifice for sins, the *object of worship*. He is present *wherever the consecrated elements are*.” It seems meaningless, therefore, for Canon Gore to say (as Newman, *after* he had accepted the Tridentine doctrine, also did) that he does not regard the sacramental presence as a residence in space. For he contradicts himself by insisting at the same time that the body and blood are respectively “attached to,” sacramentally identified,” “undefinably identified,” “concomitants which follow an external test of presence” (pp. 72, 73, 110, 143, 230). He even adopts the Romish formula “under the forms of bread and wine” (pp. 74, 136). So that on the question of idolatry, he still remains on the side of Cardinal Vaughan and “His Holiness” of the Vatican. Yet, even as to this, he speaks with “stammering lips,” and admits that the sacrament “was not ‘by Christ’s ordinance,’ or in accordance with any expressed intention of His . . . constituted an external object or centre of worship here on earth” (p. 134). He admits also that in the Ancient Liturgies “there is no separate worship of the incarnate Christ as specially made present on the altar in virtue of consecration” (p. 102). Indeed, he notes that both as to the use of sacrificial language and to acts of “worship” the earlier Liturgies restrict *both* to the ante-Communion, prior, that is, to “consecration” (pp. 105, 186-190, 193-194, 198, 292), and that these same Liturgies underwent a series of changes corresponding to the subsequent adulteration of doctrine (pp. 101, 193): the belief in any reception by the wicked being admittedly late (p. 148). The notion of an age-long “Catholic” faith is exploded by the frank admission (p. 220) that “it is doubtful whether there has been any period subsequent to the division of the East and West when they could have been brought to an agreement on the subject of the presence, *or* the sacrifice, even if they had consented to meet in fair and open synod.”

But it is unfortunately clear that Canon Gore is out of harmony with the Prayer Book of the Church of England

of which he speaks with constant disparagement. He "must admit" (p. 232) "that the doctrine of the objective presence in, under or with, the consecrated elements is *plainly evaded*, and not asserted in the revised Declaration about kneeling appended to the Communion Service in 1662: and what is more important, it is *evaded* by the special turn given in the form of Consecration to the prayer for the blessing of the elements." This, he complains, "certainly does *evade* the question of the effect of consecration upon the elements themselves." He might have gone further and noted that our present prayer is for a blessing *upon the communicants* in the divinely appointed *use* of "creatures" set apart by Divine institution, and is not at all a blessing on those "creatures," as such. Hence Dr. Gore is "compelled to the admission that they fall somewhat short of the ancient language" (p. 238), though, by the way, he is also compelled to admit (p. 85, *cf.* 198) that the *fiat nobis*, "may become to us," of pre-reformation times was *not* "ancient." Hence he grumbles that "alterations have certainly made our service singularly unprimitive in structure, and by no means suggestive of those deeper doctrines which are the best correction of mediæval errors"—yet out of which those very errors naturally grew. For his part, he prefers the Sarum Missal to the Prayer Book (p. 283). And he craves for a revision of the Liturgy in this mediæval sense. For "we must not suffer ourselves to forget that the appeal to Antiquity is not, either in our doctrinal statements about the Eucharist or in our rite for celebrating it, adequately carried out. . . What there is *still to be done will put a strain* on both of the parties and tendencies which have always, since the Reformation, existed among us" (p. 286). In view of the nomination of Canon Gore to a bishopric, this reads almost like a menace: and it is clear that (to use his own word) he has hitherto "evaded" assent to the spirit of the Prayer Book. But this very hostility to the Reformation makes the numerous and fatal admissions scattered throughout the book of enhanced value to intelligent Protestant Churchmen.

#### "Real" Presence.

Like all advocates of the Mass, he divides his subject under the two heads of the "real" presence, and the mass—"offering."

In respect of the former, he seems at times to linger on the very brink of Evangelical doctrine. Thus he admits that the Lord's Supper does not differ in kind from other means of grace, but only in degree (p. 70); he repeatedly denies any oral manducation (pp. 65, 67, 73, 117), for "while the outward elements are received by the lips and eaten like other food, it is plain that no physical organs can appropriate the accompanying spiritual gift" (p. 143). "It is a presence to certain persons for certain purposes" (p. 134), "a presence for a certain divinely defined purpose, and (as a consequence of this) it is a presence to certain persons—that is, the sons and daughters of faith" (p. 142). One would think that this verbal admission of the relativity to subjective conditions possible only to the mind and heart of the individual would carry with it to any logical mind the "real absence" of Christ from the impenitent and unbelieving communicant. But Canon Gore "evades" this inference by saying that he does not mean any faith of individual worshippers, but "*the* faith" of the Church (pp. 142, 149, 152, 153, 242). Sacramental grace "must be conceived as given irrespective of the state of mind or condition of faith of the receiver; so that an unconscious infant is regenerated, and even a bad man really receives the spiritual endowment of his nature." "Prior to reception and independently of the faith of the individual, the body and blood of Christ are made present 'under the forms of bread and wine'" (p. 74). Dr. Gore even thinks it a "reason" why Christ "should on the institution of His sacrament have vouchsafed the gift, first of all, as an objective presence in the Church, and not conveyed it directly to the individual worshippers in connection with an act of eating bread and drinking wine. For [*sic*] even if the members of the Church ate and drank all together at the same meal, yet the act of eating is separate to each individual, and the Divine gift would thus have taken the character of an individual communication" (p. 95). That seems a really astounding statement! And it is very notable how by their "frequent celebrations" and "High Masses" at which lay communion is positively discouraged, the C. B. S. and its followers seem bent on *preventing* the joint-partaking by parishioners of the same "one loaf" at which our Reformers undoubtedly aimed. Contrast with Dr. Gore's "reason" the glowing words of



Hooker the "sacramentary," who said—"that saving virtue which Christ originally is or hath for the general good of His whole Church, by sacraments he *severally* deriveth into every member thereof" [*Eccl. Pol.*, V. lvii., 5]. At the Savoy Conference the bishops required the words of distribution to be repeated in the singular number "for so much as *it is the propriety of Sacraments* to make particular obsignation to each believer" (*Card. Conf.*, 354). The difference between "faith" as the "hand" and "mouth" of the soul, and "*the*" faith in the sense of a creed will not have escaped the reader's notice.

The habit of personifying the Church as "She," leads people to talk of the "mind" and "conscience" and "heart" and "faith" of the Church, as though these were anything more than metaphors, every whit as really such as to talk of the "hand" or "mouth," the "eye" or "ear" or the "purse" of the Church. Yet Canon Gore is so far taken in by his own poetry, as to strive ineffectually to ward off the objection taken from the Romeward side, viz., that his theory makes the faith of the Church absolutely necessary to "constitute" a sacrament, and thus "is equivalent to denying its objective character" (p. 150). To obviate this latter objection he gravely propounds a new system of metaphysics which is at least as absurd as Transubstantiation itself, and is a mere travesty of what Bp. Berkeley held. He holds that the human mind "has to do with actually constituting the objects of the outward world—the trees, the animals, the persons." He alleges that "things have no existence apart from the minds which know them," and that "relations are the work of the mind, and relations are necessary to make objects" (pp. 150, 151). Hence by consecration God makes "this spiritual reality to exist relatively, *not absolutely*: in such sense as to exist *only* for faith, the faith of the believing and worshipping Church, just as he creates the world relatively, not absolutely, that is to exist for rational beings and by the action of [their?] thought" (pp. 151-2). The fundamental scepticism which underlies this language reminds one of the type of mind displayed by Cardinal Newman before taking his final plunge into the resolute abandonment of all further thought and inquiry. Atheism and "Faith-healing" can each alike find shelter under this new dictum that "existence on analysis

proves to mean a relation to a mind" . . . "relation to a consciousness" (pp. 152-3). To say, as Dr. Gore does, that it "rests not on the precarious faith of any individual, but is relative to the faith of the Church *as a whole*,—that common faculty," is merely to talk nonsense, by substituting a collective abstraction for individual belief and loving trust in a Person.

At any rate if nothing exists "absolutely" but merely relatively, it seems idle to talk of any "objective presence," seeing that such things cannot even be "constituted" or exist, apart from the thinker himself. Canon Gore has speculated upon a speculation of the late G. S. Romanes, with the result of probably as much confusing the mind of the reader as he seems to have confused his own. Canon MacColl in his *Reformation Settlement*, and the Schoolmen in their developed theory of Transubstantiation equally succeed in getting their victims into this condition of blindfold helplessness through a subtle employment of metaphysical jargon. Superstition and scepticism are twin brethren, and the C. B. S. will have admitted the Trojan horse if they condone this new Gorian metaphysic.

A similar appeal to metaphysics as the basis of "faith" is seen in his use of the words "spiritual" and "substance." The Church of England says nothing whatever about the "spiritual body of Christ," a phrase which she only knows as applicable to the "Church which is His body." What she affirms is the spiritual eating (by man) of His natural body as it was in the act of dying, and the spiritual drinking of His blood, as characteristic of a life *laid down* and "given" to God in sacrificial *death*. Canon Gore reverses all this. Instead of the body or the substance of the body of Christ, he bids us understand always "manhood" as a principle of life, or the "spiritual forces of humanity" (whatever that may mean), as opposed to and distinguished from the "material constituents" of the body which hung upon the cross (pp. 25, 61 and *passim*). In the same way he interprets the "blood" to mean, *not* what Christ said it was, blood as being "outpoured for the remission of sins," but the risen life of the Mediator imparted by the Holy Spirit to those who have (or have not?) *already been forgiven*. Not once in the work itself does Canon Gore permit himself to quote in full the words of Institution: though

in one of the numerous appendices he prints a revised version of them side by side with the comment in the first edition, that the "right to stand," of St. Luke xxii.-19-20, "is not quite certain." We are thankful to note, as a sign of grace, that this suggestion has silently dropped out of his second edition, p. 313. But it is painfully interesting to observe how Canon Gore enables himself to interpose "the Church" (Hierarchy?) between the sinner and the Saviour at every turn, and to substitute an imaginary but unfinished "offering" at an imaginary "altar in Heaven" for the unique and finished offering on Calvary.

*The "Sacrifice" of the Mass.*

In the number for December, 1900, we pointed out how Canon Gore had been led to modify his language as regards the so-called "Catholic doctrine of eucharistic sacrifice." In the present work also, he teaches that there is no sin-offering in the Mass. "When the Jewish passed into the Christian Church, it became a first principle that there was no more need for propitiating God." Christ "had done," spiritually and effectually, once and for all, what the one inaugural sacrifice of the old Covenant and the annually recurring day of atonement had done symbolically, but outwardly only and ineffectually. . . . For the Christian, therefore, there was no more need of any propitiation" (pp. 164-5). Thus the most lucrative lie of the Tridentine creed would seem to have been explicitly repudiated. Especially, seeing that mere bread and wine are said to be the things "offered" (pp. 77, 86, 162, 191, 211, 212). But, unfortunately, the "stammering lips" come into play even here. We are told (pp. 252-3), "All that goes before the Ascension is the preparation of Christ for His priestly work. His work as the great High-Priest and His entrance into at least the effectiveness of His office begins with His entrance into the true holy of holies. . . . It is at His entrance into Heaven, and *not upon the Cross, that He accomplishes His atonement for us His propitiation and His intercession are identical*: and both consist in His 'appearing' or presenting Himself for us." At p. 308 Dr. Gore says, "The effect of the Epistle to the Hebrews upon the fathers, in forcing them to view the eucharistic



worship and sacrifice upon the background of Christ's *continual* intercession and presentation of Himself in Heaven, and *not* (simply) *upon that of the Cross*, is very marked." The word "simply," which we have bracketed, is an after-thought interpolated into the second edition, the prelude, let us hope, to an incipient return to a better mind. For it is obvious that if the Atonement be a *process* "continually" going on by means of an "offering" at an "altar in Heaven," of which this book is continually speaking, and at which Christ, as a priest, "presents" Himself sacrificially to the Father, Dr. Gore virtually undoes his former admission of the "full and perfect sufficiency" of the Cross-offering, which latter he now makes to be a mere "preparation" for The true (but subsequent) "Offering" of a really efficacious "sacrifice" at Dr. Gore's imaginary "Heavenly-altar."

The truth seems to be that, ever since the outbreak of the Reformation, the Romish controversialists have adopted, one after another, in rapid succession, a series of theories to obviate the irresistible objection of their opponents, viz., that the so-called mass-offering necessarily involves a denial of the adequacy of Calvary. The newest and latest of these attempts is to pretend that the Lord's Supper is a counterpart of some priestly "offering" which is represented as going on at an "Altar in Heaven" ever since the Ascension—and upon which "heavenly" offering our *real* propitiation and atonement rest for their sole hope and ground. Unhappily this fiction completely distorts the whole Gospel. Dr. Gore says (p. 17), "Christ, our propitiation, is also our new life, and He can be the former in a true sense *only because He is the latter*." Here (after Newman) the relative places of Justification and Sanctification are carefully reversed. He suggests (p. 178) that "the use of the word propitiatory of the Eucharist, or the refusal to use it, may thus be said to be a mere matter of language"! The word "thus" relating to a quotation from Jeremy Taylor, which Dr. Gore completely misunderstands. Taylor had said that the eucharist is "in its proportion, an instrument of applying the proper sacrifice (on the Cross) to all the purposes which it first designed. It is ministerially, and by application an instrument propitiatory":—but then, the application *to man* is neither an act of sacrifice *by man* nor an

"application" to God. In other words, it is a sacrament and not a "sacrifice." This one means of grace has but its "proportion" in a combined work, of which any continued or renewed sin-offerings form, and can form, no possible part whatever.

Dr. Gore's teaching is throughout based on his own selections from certain of "the Fathers," as though God had entrusted the unveiling of His revelation to them. He says: "For the altar in Heaven, see Rev. viii.-3" (p. 261), a fallacy exposed in Miss Holt's "Dialogues on the Christian sacrifice" (pp. 57-64), published at sixpence by the Church Association. And on this slender foundation, Canon Gore insists (p. 259) that in Heb. xiii.-10 "The altar must mean *the place where atonement is made*, and this, according to the idea of the writer, *is rather the Heavenly place than on the Cross*. . . . It is something in Heaven corresponding to the 'golden altar' which belonged [*sic*] to the Jewish Holy of Holies. But in a secondary sense it must mean the actual table of the Lord, at which the Christians were fed with sacrificial food, and which gained all its significance from being the earthly image of the reality in Heaven," which "reality" is simply a modern figment of the human imagination.

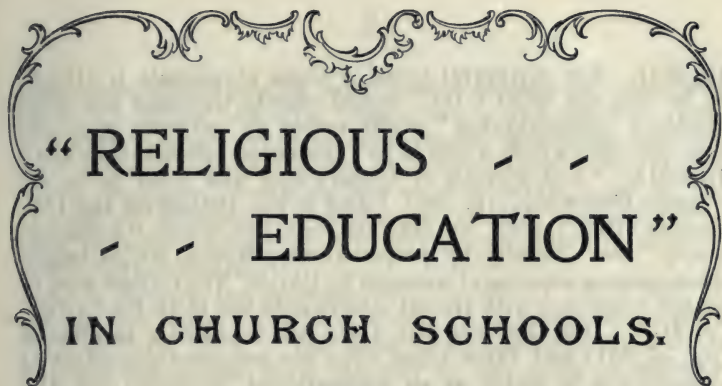
The poverty-stricken and "pedestrian" character of Dr. Gore's exegesis makes it less matter of regret that so very small a portion of his work is devoted to the New Testament. What can be weaker than to quote Isaiah lxx.-11 R.V., "ye that prepare a table for Fortune and that fill up mingled wine unto Destiny," to show "whence the phrase 'the Lord's table' was derived"? (p. 262). Bp. Fitzgerald taught us, long ago, that "the altar might be thought of as God's table; but not, conversely, a table as God's altar." The viands once placed on Jehovah's "table" were never shared by *any* human being. On the other hand, God takes no single crumb of the sacramental bread which is "consecrated" *exclusively* to be the "food" of man.

Not less unfair was it to quote (p. 316) Luke ii.-27, to "do for him" as a proof of the sacrificial meaning of ποιεω. Professor Abbott "reminds us that the sacrifice was only an incident of the presentation. A third thing was also included,

viz., the payment of the redemption money. Indeed, if we wish to be precise, we must add that, according to the law, the offering was for the purification of the mother, and certainly could not be specified as that which they came to do 'for Him.' " (*"Do this,"* Longmans, p. 27.)

Not less illegitimate was it to misquote Eph. ii.-16, "who reconciles us," as though that work were something in process of being gradually eked out (p. 258). Or, again, Heb. iii.-6, to shew that Christ "offers Himself" *now* in Heaven (p. 259). But the caricature of the entire teaching of the Epistle to the Hebrews needs a detailed examination. Fortunately, this has been provided beforehand by Mr. Dimock, in his *One Priest on High* (Elliot Stock, 2s 6d), in which it is shewn, with singular prescience and profound learning, that every single detail seized upon by Dr. Gore has been completely misunderstood and misrepresented in the present work. To make the Word of God of none effect by reliance on human "Fathers" and their conflicting "traditions" is precisely what past experience has shewn to be likely to happen, and Canon Gore's book is a striking example of the disastrous results of this "ancient and primitive" method. Fortunately the Gorian theory of an incessant offering at an "altar in heaven" has been proved to be utterly modern and unscriptural by another member of the Confraternity of the Blessed Sacrament, Dr. Mortimer of Philadelphia, in his work on *Eucharistic Sacrifice*, published by Longmans.





# “RELIGIOUS - - EDUCATION” IN CHURCH SCHOOLS.

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(From the “Church Intelligencer,” January, 1904.)

**P**REBENDARY REYNOLDS is the editor of a series of handbooks “for the use of teachers,” which contain “schemes of lessons and blackboard summaries.” He became an Inspector of Schools in 1882, and since 1886 he has been Chief Diocesan Inspector of London, and since 1895 Archbishop’s Inspector of Training Colleges. His *Handbook* to the Prayer Book has just been published, and its importance is, that it shews very clearly what the Bishops who have given to him these appointments, now regard as being “Religious” education. The teachers in the Training Colleges, it seems, are to “write APOSTOLICAL SUCCESSION on the blackboard and explain,” viz., “that our present clergy can trace their spiritual genealogy up to the time of the Apostles in an unbroken line as certainly as any natural genealogy” (p. 142), i.e., “can trace their predecessors name by name, up to the Ordination on the evening of the first day of the week, when the doors were shut” (p. 460). “Ordination in England is to a sacrificial priesthood, as is evident from the service itself” (p. 487). “The word priest carries with it the idea of an altar” (p. 265). The teacher is to “explain why the priest stands” at the beginning of the Communion Service, viz., because “it is the proper attitude of Offering” (p. 283). “In the Eucharistic *Amen*, the people hail the sacrificial acts” (p. 297). The word “mass,” we are told, means “something sent up, or offered to God”

(p. 263). The scriptural proof of these statements is alleged to be that the word "Do" means offer to God, and the word rendered "remembrance" really means an outward Memorial (pp. 388-389) which is said to be "presented before the Father" (p. 281). "*The presence of Christ's body and blood is in the elements themselves*" (p. 398). And in the Collect for the 15th Sunday after Trinity we are told that the words "perpetual mercy" are "literally by perpetual propitiation, which means the appeasing atonement wrought by Christ. The Collect was, of course, composed with special reference to the Holy Eucharist" (p. 215). PRAYERS FOR THE DEAD are repeatedly inculcated (pp. 16, 251) and three times over the supposed precedent of Onesiphorus is polled as an unquestioned authority for the practice (pp. 282, 358, 479). In favour of the practice of hearing mass the teachers are assured that the words "all others that mind not receive the *said* Communion shall depart out of the quire" (in the First Prayer Book) "do not refer to non-communicating communicants but to habitual non-communicants" (p. 286); and Mr. Reynolds professes to think that "the reason is obscure for the addition" to the American Prayer Book, at its recent revision in 1892, of the words "*and sufficient opportunity shall be given to those present to communicate.*" The reason obviously was to put an end to the profane practice of converting the Holy Communion into a sacrificial mass by hurrying on the service without pause after the minister's own solitary reception (p. 298). But none are so blind as those who have not the will to see. As to Purgatory, Mr. Reynolds has this curiously irrelevant remark when treating of "INDULGENCES" (p. 474). He says of them: "With regard to temporal punishment, the custom [of granting Indulgences] may be free from danger, and the best defenders of the doctrine confined it to temporal punishment; it was when the Pope arrogantly claimed to be able to remit punishment in Purgatory that the doctrine became most dangerous." Surely he cannot be ignorant that Purgatory is itself but a "temporal" place of detention, and the whole system of masses for the dead, and prayers of the dead, relates exclusively to "temporal" conditions. Even Rome does not teach that those who go to Hell are benefited by indulgences or by requiem mass.

A doctrine so "high" as the above naturally demands a suitable ritual. On this head, teachers are referred to "the very able book of Mr. J. T. Mickelthwaite on the ORNAMENTS RUBRIC." That rubric they are told "can scarcely have any reference to the Prayer Book of 1549" (p. 49). Mr. Mickelthwaite says plainly that "in 1662 it was thought better to refer back to the time *before the introduction of the English Service,*" to what he calls, "the unbroken usage of centuries." Among other orna-

ments thus singled out for sanction are mentioned "Elevation curtains, censers, crucifixes, lights before the reserved Host, holy water vats and sprinkles, torch staves," and beside all these what Mr. Reynolds justly calls "a remarkable and lengthy list, which," he says, "are according to this rubric, legal in the Church of England." Our Review of Mr. Micklethwaite's book (*Church Intelligencer*, XV., 27) may be usefully referred to for further details.

As to BAPTISM the teaching is no less clear. "The child is put into the water 'a child of wrath,' it is taken out 'a child of grace'" (p. 385). "The child is given a lighted candle at Baptism, which can shew the way to the gates of heaven" (p. 315). "A custom, to which [*sic*] frequent mention is made in English diocesan synods, was to bind round the head of the newly confirmed a band of new white linen; this was a symbol of the cloven tongues, as of fire" (p. 397). "ANointing is still used" at Confirmations, we are told (p. 405); and EXTREME UNction "is still sanctioned by certain Bishops, and has not been prohibited" (p. 421), while RESERVATION for the sick "has often been observed and is sometimes necessary" (p. 422). Before leaving the doctrinal part of this remarkable book we may notice that in baptism, "The sanctification of the water differs from the consecration of the elements in the Holy Communion, in that it is not of divine origin, and like the consecration of buildings has no sacramental effect, *i.e.*, there is no 'Inward Part' with regard to the water." But then, if Baptism has no "inward part" it is no longer a sacrament! This consideration might have suggested to the Prebendary that the words "outward" and "inward" are *not* relative to the elements, but to the recipient's body and soul respectively.

ABSOLUTION is the "actual conveyance of pardon" (p. 52). Teachers are warned against the "heresies of Calvin and Zwingli" (p. 190). They are to "write on the blackboard the names of the Breviary, Missal, Manual, Psalter, and Pontifical" (p. 21) and to describe to the children "the troubles and dangers in times of Mamertus, Gregory, Augustine," &c. (p. 110). The reading of the Gospel, it seems, "has *always* [*sic*] been accompanied by ceremonial acts of reverence, *e.g.*, processions, the use of lights, incense, &c." (p. 269). Not only is bowing "at" the name of Jesus enforced on the mistaken ground that Phil. ii.-10 says so, but "it is an ancient custom to bow at the words 'was made man'" (pp. 351, 273). "The Custom of bowing the head at the gloria," it is mentioned casually, "is taken from Isa vi.-2" (p. 58).

From the above enumeration (which is by no means exhaustive) it will be seen that a fairly complete doctrine of the Seven Sacraments of the Church of Rome is given by the



official representative of the Primate and the Bishop of London, and is being taught by what is called the "Method" to the children of our public National schools! For the sake of facilitating reference, the pages are indicated at which these choice morsels of Episcopal teaching are to be found. It is evidently for the sake of these sacerdotal teachings that Prebendary Reynolds would seem to have been selected, because on the "lower" ground of giving accurate information, the book is open to grave censure. For instance, what can be more gross than to quote (p. 486) Newman's language from Tract XC. to show that the Tridentine doctrine of the sacrifice of the mass was not aimed at in our Thirty-first Article of Religion, and yet to omit to mention that Newman *formally retracted that very statement*? In 1883 Newman reprinted this very tract, with notes, in which he said: "The reasoning in this section is not satisfactory. What the Article abjures as a lie is just that which the Pope and Council declare to be a divine truth. Nothing can come of the suggested distinction between mass and masses. What then the Thirty-first Article repudiates is undeniably the central and most sacred doctrine of the [Roman] Catholic religion." (*Via Media*, ed. 1891; II.—351—6.) For still stronger language of repudiation the reader is referred to our Tract 200, p. 49, or *Tomlinson on the Prayer Book*, p. 286. Another misstatement equally gross, is that on p. 295, where the unfortunate "teachers" are told that the First Prayer Book "followed the plan of the earliest Eastern Liturgies," but not the Roman," viz., in placing the Invocation *before* the words of Institution. The facts, however, are all just the other way. They are also told that "the utmost reverence of word and *gesture*" were paid to the consecrated elements (p. 262). It follows, therefore, that if the miraculous change is effected by pronouncing the words "this is my Body," Divine honour was instantly paid to the supernatural contents of the Sacrament, whereas the Eastern Liturgies went on to pray that the same elements, *still regarded as unconsecrated*, might "become" or might be made to the faithful recipients, the Body of Christ. Now the First Prayer Book is the *only* Reformed Liturgy which follows the Roman, and departs from all the "Earliest Eastern Liturgies" in this respect: for which reason both the Scottish and American liturgies have changed the order of sequence. They also place the "oblation" *before* the Invocation, whereas the First Prayer Book wrongly regarded the *consecrated* elements as man's offering to God, though really "given" as God's offering to men. (See on this point Goode's *Nature of Christ's presence*, p. 453; Scudamore's *Notitia Eucharistica*, p. 593; Smith's *Dict. of Christian Antiq.*, p. 271; Hammond's *Liturgies*, pref. xxvi.-xxviii.; Neale's *Introduction to Primitive Liturgies*,

p. xii.; Popoff, p. 26). A mistake on this point would involve in the eyes of Romanists a formal act of idolatry.

Nor is Holy Scripture itself exempt from misrepresentation, John x.-16 is alleged to assert the necessity of the flock forming "one *Fold*." Acts ii.-42 is alleged (pp. 357-8) to teach "the Apostolic form of government" by the word "communion"; though on the very next page that word is admitted to mean "something that all have in common." The idea of "fellowship" inherent in the word is the very opposite to that of hierarchical exclusive prerogative. "The prayers" in the same verse are said to mean "agreement in external forms of worship," a theory which is bolstered up by the further statement on p. 253 that "for the first three centuries the Liturgy was not written, but retained in the memory: this fact shews that uniformity was *probably* observed." On the contrary, it shews that uniformity was most improbable; and, beside that, we have two of the earliest witnesses to the "fact" that the Eucharistic prayer was variable according to circumstances, and varied with the person who offered it. Thus the *Didaché*, after giving a written formula, adds, "But suffer the prophets to eucharistise as they will (x.-7), and Justin Martyr says "bread is brought to him and wine and water, and the President sends up prayers and eucharists *to the best of his power*" (*Apol.*, cap. 67). Mr. Reynolds mistranslates this word "*prospheretai*" as meaning bread, &c., is "*offered*." But in the sixty-fifth chapter of the same Apology we have the very same transaction described in these unmistakable terms, "*prospheretai to proestoti*" "is brought *to the President* of the brethren," which certainly did not intimate that "sacrifices" were being offered by "priests" to "that one of the brethren who presided."

The Trullan Council, A.D. 692, is misrepresented as forbidding communion after food on Maundy Thursday (p. 178); yet, as Bishop Kingdon points out, "they do not annul the Maundy as a meal *before* communion." This canon was held to permit the taking of a prandium on Maundy Thursday, and St. Augustine in his explanation of the canon, seems to acknowledge that such was its force. (*Fasting Communion*, pp. 79-80.) But the sham information furnished as to our modern books is just as untrustworthy as these more "ancient fables." In proof that "it is quite a mistake to think that children were not taught during the Middle Ages; they were taught better than they were in the troubled time after the Reformation," Mr. Reynolds (p. 331) quotes a sermon of Bernard Gilpin, saying "in twenty miles' compass there is scarce a man to preach; the boys and girls of fourteen and fifteen cannot say the Lord's Prayer." Mr. Reynolds overlooks the fact that this discloses the condition of the clergy *before* the Reformation, for the Catechism



in our Prayer Book was then barely three years old. It was, of course, impossible to suddenly create a learned clergy, when the livings were still largely filled by the ex-Mass-priests. Hooper's celebrated examination of the Cathedral dignitaries and other clergy (*Later Writings*, p. 151) shews the wretched condition of the old clergy—those Vicars of Bray who had never vacated the livings.

The "teachers" are told (p. 362) that in 1547 "the Parliament of its own authority appointed a committee of Divines" to draw up the O.H.C. of 1548. The statement is wholly untrue. The statements about Nowell's three catechisms (p. 332) are both confused and erroneous, and the "A.B.C. with the little Catechisme" mentioned on p. 333 was simply Nowell's Little Catechism in English, which had the A.B.C. on its first page. Bishop Reynolds is described (p. 120) as a "dissenter," which he certainly never was; he himself says he *never* refused cap or surplice, and that he had urged conformity in the use of the cross in baptism, though objecting to it "in that great Conference, because of the superstitious conceit that the Papists have of it" (*MS. Gibson*, l., p. 121). If his namesake at St. Paul's were equally careful to observe the rules of the Church of England, which he happens to dislike, he would be a better Churchman, though, perhaps, not a Diocesan official. The statement (p. 305), that the Bishops at the Savoy Conference "consented" to the re-insertion of the black rubric is not only untrue, but contradicts Mr. Pullan, on whom he professes to rely. The statement about Gunning, on the same page, is very apocryphal (see Dimock's pamphlet on the black rubric, p. 25, and *Church Intelligencer*, XVII., 127). The similar statement on p. 119 that Gunning composed the prayer for all sorts and conditions of men is contradicted by Bishop Jacobson in his notes on Sanderson's *Works* (V., 337), who says "the prayer for all conditions of men has been usually attributed to Gunning, on no better evidence, it would seem, than a college tradition that whilst Master of St. John's, Cambridge, he interpreted the rubric prefixed to prohibit the use of it in the order of Evening Prayer." Teachers are also taught that in the Collect for the Circumcision the word "we" near the end was "inserted by the printers" (p. 153). On the contrary, the word did not exist in the printed book of 1636; it appears for the first time in the MS. annexed to the last Act of Uniformity. The rubric forbidding the burial service to be read over persons "that die unbaptised" elicits this stupid comment (p. 425), "the American Prayer Book has altered this rubric to 'unbaptised adults,' whilst the Irish Prayer Book has 'unbaptised being infants'." The fact, however, is that in the Irish Prayer Book the above wording of our own rubric is *retained*, but a



special provision is also made for infants "not having been withheld from baptism by wilful default or neglect." But the truth is that Prebendary Reynolds is a very confused thinker, and very often says what he did not intend to express—a strange peculiarity in a teacher of "teachers." Thus he tells us that "till 1662, instead of the words 'as at this time,' the words 'this day' were adopted from the Scotch Prayer Book of 1637" (p. 146). He talks of the rubrics "about *reconsecration*" (p. 299), a practice which never existed anywhere. He asks, as if from the Catechism, "What is required *by* persons to be baptized?" (p. 386). He broaches the extraordinary statement that, "A true repentance results in a steadfast purpose to lead the new life. That does *not* mean the regenerate Christian life which becomes the children of God"! (p. 391). But we are weary of pointing out the unreliable character of this Handbook, which has for its apparent aim the "Reunion of Christendom," rather than an honest exposition of the true meaning of the Prayer Book. It might have been written for the "Society of the Catechism."



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## “Religious” Education in Church Schools.

No. II.

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THE Rev. J. Newland Smith, a member of the E.C.U., who himself wears mass vestments and adopts other of the “Six Points” of illegal ritual, has been appointed “Assistant Diocesan Inspector of Schools for the Diocese of London.” His “Catechist’s Handbook,” just published, is, if possible, more distinctively Romanizing than even the “Handbook” published by his chief, which we noticed last month. At the outset we are told “the main, though not the sole object of this handbook is to commend the French System of imparting religious instruction, generally known as the Catechism system, or Method of S. Sulpice,” which is described in our Tract 271. It is intended, he tells us, to “form a supplement to the work of Mr. Spencer Jones.” The Editor explains that “all are agreed that we suffer greatly from want of priestcraft!” Mr. Newland Smith endeavours, therefore, to supply the article. Among other items the Catechists are to wear surplices; and to light the altar candles before beginning the preliminary prayers, which are to be recited facing eastwards. A processional Cross is used, with banners, the collect is monotoned, each child is taught to bow to the altar before taking his place, which Mr. Newland Smith describes as “making the *accustomed* reverence in accordance with the 7th canon of 1640,” which, he omits to explain, has been repeatedly decided to be of no validity in the Established Church of England. Lessons are prescribed on the “Ornaments and Vestments” (p. 214) the Crucifix is advocated under pretence of explaining (away) the second Commandment. On this head, Mr. Newland Smith observes, “We have seen Jesus Christ [?] and so we may take a picture of Him, or a crucifix, because we are only making a likeness of His human nature, not of His Divine nature.” This is in flat contradiction to the inference drawn by the Church of England from the same fact. Our Homily says, “no image can be made of Christ, but a lying image. For Christ is God and man; seeing, therefore, that of the Godhead, which is the most excellent part, no image can be made, it is falsely called the image of Christ, wherefore images of Christ be not only defects, but lies.” The children are taught that it is their duty to be “present at the *offering* of the Holy Eucharist every Sunday” (p. 150), and this practice of “Hearing Mass” is defended on the ground that “Both the Baptismal Service and the Church Catechism seem to imply the presence of children at the Eucharist, at any rate upon occasion”; and for this curious and recondite reason that “at this service alone does the Prayer Book enjoin a sermon.” But sermons never were restricted to the Communion Office, and in that office the sermon is prescribed on *all* occasions when the Eucharist is *not* “offered.” For the service itself provides for the sermon “if there be *no* communion,” *i.e.*, in the vast majority of the occasions on which chil-



dren are likely to be present. Our Tract on "Hearing Mass" disproves the pretence that this profane practice of "hearing Mass" was either authorised or recognised. The controversial teaching of "priestcraft" is assumed to be the great thing. Thus we are told (p. 58) that "the Holy Catholic Church demands 3, if not 4 Sundays for its treatment" as an article of the Creed. Again, "it is more interesting to the Catechist to explain the nature of a sacrament, or the meaning of Apostolical Succession, than to teach the existence of God, the work of creation, the meaning of sin, the birth and early life of our Lord"—which, at least, shows what subjects "most interest" Mr. Newland Smith. Skeleton lessons are indicated, and at page 213 are given as separate subjects, "99, The Sign of the Thing received; 100, The Thing Itself; 101, The Benefits or Virtue of the Thing received." This division of the sacrament into three "parts" instead of two (in direct contradiction to the *definition* of a "sacrament," as given in the Catechism itself) is intended to obscure the fact that the inward spiritual grace of each sacrament is called its "inward" part, because it is not outside the heart of the believer, but has its seat within him. The adoration and reservation of the host with all their attendant superstitions both rest on this polemical device of teaching that the "Thing" of the sacrament is received when the "grace" offered is rejected. Of course, the "broken" and slain body, and the "shed" blood, do not really exist now anywhere, except in their *effects*, viz., the "strengthening and refreshing of our souls,"—a thing which does not happen to those who merely swallow the outward Signs without any inward faith. Of Sunday Schools, the Bishop of London's Assistant-Inspector makes little account. They furnish but "half-an-hour of nebulous pietism from an untrained and frequently unprepared teacher" and "few young men of any grit deem it good enough to give up their Sunday to the diffusion of an undenominational pietism." It is admitted that in the "provided" schools "Scripture lessons are given—and very good Scripture lessons as far as they go—lessons, too, which frequently exceed the limits desired by undenominationalists, though even then, unsatisfactory to Churchmen" because they lack that inculcation of "priestcraft," which is the avowed object of this "Method of S. Sulpice." A list of books is given, including those by Mgr. Dupanloup, Mr. Spencer Jones, the Bishop of Bloemfontein, Prebendary Reynolds, Bishop Forbes (whose teaching was synodically condemned by the Scottish Bishops), Mr. Lacey, Mr. Wakeman, Canon MacColl and other well-known leaders of the priest-party. Twice over the "King's Book," which embodies the faith of Henry VIII., and expressly teaches Transubstantiation, Concomitancy, and the Seven Sacraments of the Unreformed Church, is commended as a useful prompter to the teachers of the Diocese of London!



# History of the Prayer Book.\*

By the REV. PREBENDARY REYNOLDS.

*Reprinted from THE CHURCH INTELLIGENCER, December, 1904.*

(A REVIEW.)



OUR Review of Mr. Reynolds' "Handbook" on the Prayer Book has been reprinted, and now forms Tract 324 of the Church Association. Many of the mistakes of that "Handbook" are reproduced in this booklet, which has been prepared for "Examinations in religious knowledge for Church Training Colleges." We learn that the "Handbook" has been selected at the Warrington Training College as a text book, and the adoption of this "History" by the National Society will facilitate that "poisoning of the wells" of knowledge which seems to be a main object of both compilations. The statement that "mass" meant "sent up to God" (p. 32), that Justin Martyr said bread was "offered" (p. 7), and that the Prayer Book prescribes a "reconsecration" in certain cases, are all dealt with in our Tract 324 and need not be reconsidered.

Yet even Prebendaries do at times learn something; so that whereas in the "Handbook" we were told (p. 262) that "the parliament of its own authority appointed a committee of divines" in 1547 to draft the *Order of Communion* of 1548, in the present work we are told quite correctly that it "was brought out on Royal authority *only*" (p. 29) and that it "never received the sanction of the Church and indeed was strongly opposed by several bishops and clergy" (p. 34). These admissions are valuable, in face of the claim of Canon

\* 1s. National Society.

MacColl and the Alcuin Club, that this tiny little "Order" was the identical "authority of *Parliament*, in the second year of Edward VI." intended by the Ornaments rubric.

Small as the book is, half its bulk is taken up with accounts of the pre-Reformation service books. The writer starts with an assertion that "the word Liturgy, which means service of any kind, was very soon restricted to the Holy Communion" (p. 6). This is not the case. In our Tract 180 we have shewn the scriptural and primitive usage in this respect, and as late as A.D. 450 Theodoret speaks of the "Liturgy of holy baptism" and of the "evening Liturgy," a usage which, according to Smith's *Dictionary of Christian Antiquities*, p. 1,019, "continued even unto the end of the sixth century." When Pliny, the heathen, described the Christians as "binding themselves by an *oath*," Mr. Reynolds claims that the word "sacrament" is here used in its modern sense (p. 6). But it was not until some centuries later that the word "sacrament" acquired that restricted meaning. Greek was the liturgical language even at Rome itself, and when the Greek word "mystery" was translated by "sacrament" both words were used loosely for *any* symbol of a sacred character without restriction to the "two" or the "seven" sacraments of modern theology. But in a history of our present Prayer Book it ought not to have been concealed that the word "liturgy" is habitually used by Anglican writers for the entire collection of services. The word first appeared in the Scottish "Liturgy" of 1637 where at morning prayer we find the following rubric before the first Lord's Prayer: "*In this and all other places of the Liturgy, where the last words, 'For Thine is the kingdom, &c.' are expressed, the presbyter shall read them.*" And in the preface to our present service book, written in 1661 by Bp. Sanderson, the word "Liturgy" is repeatedly used for the entire Prayer Book, and not for the communion service. L'Estrange's *Alliance of the Divine Offices*, published just before the last revision, professed to exhibit "all the Liturgies of the Church of England since the Reformation"; and it would be difficult to find any



English writer on the Prayer Book before 1840 who did not employ the word in this wider and more primitive meaning.

However, Mr. Reynolds next proceeds to magnify the so-called "Ancient" Liturgies without candidly telling his "teachers" that none of them are now extant in MSS. older than a thousand years after Christ; that their connection with the writers whose names they bear is very remote and uncertain, and that all of them have been interpolated from time to time, as doctrinal changes crept in. The Training College students are even told that St. Paul owed to the Liturgy of St. James the quotation given in 1 Corinthians, ii.-9 (p. 8). "The Apostle," he says, "does not quote the passage as it is in Isaiah lxiv.-4, but as it is in the Liturgy of St. James, which is the earliest of all." Now as it is on the strength of fables like these that our young men are persuaded to take their doctrine from these ancient but corrupt Liturgies instead of from the New Testament, it is as well to give the comment of Mr. Hammond in his *Liturgies, Eastern and Western* (Pref. x.) :—

"In the Liturgy the passage runs smoothly on, naturally following the antecedent *ἑωρήματα*. Therefore, says Dr. Neale, in the Epistle it is manifestly quoted from the Liturgy. But there is another equally possible hypothesis, viz., that both Epistle and Liturgy quote from some third document. Quotations in the Liturgies always, as a matter of course, run on smoothly, interwoven into the context; there is, therefore, no particular weight in this consideration, while there are two fatal facts not noticed by Dr. Neale. These are, first, that the same passage *verbatim* occurs also in St. Mark's Liturgy, but in a totally different connection and with a *different antecedent supplied to the relative*; secondly, that the passage is wanting in the Syriac St. James' Liturgy in the prayer of the great oblation which *otherwise corresponds exactly* with the Greek formula. This makes it probable that the passage was added to the prayer not earlier than the Council of Chalcedon, A.D. 451."

The Coptic of St. Mark, translated by Mr. Malan (p. 31), gives the same version. Mr. Trollope is of opinion that "the quotations from 1 Cor. ii.-9, and what follows seems at least to be interpolated." (*Greek Liturgy of St. James*, p. 80.) Dean Plumptre also rejects Dr. Neale's hypothesis as involving bold assumptions which cannot justify our acceptance of it. (Smith's *Dict. Bible*, ii.-143.)

"It is to be noticed," says Dr. Jacob (*Eccl. Polity of New Testament*, p. 228), "that St. Paul says that the words which he quotes 'are written,' which the Liturgies at that time were not; that quotations from the Old Testament in the New are sometimes given without much regard to verbal accuracy; and, what is a stronger objection, no one of the patristic commentators on this text—Origen, Chrysostom and Jerome—knew anything of its being a quotation from a Liturgy, which they could hardly have failed to know, if such had been the case."

Bp. Lightfoot in his edition of St. Clement, pp. 114 and 207, notices that St. Paul is following from memory the Hebrew text of Isaiah lxiv.-4, with a reminiscence of lxv.-16, 17; and that in both epistles of St. Clement, that writer in giving the same quotations, "mixes up St. Paul's free translation or paraphrase from the Hebrew with the passage as it stands in the LXX.; just as in quoting Jer. ix.-23, 24 (or 1 Sam. ii.-10), he condenses it after St. Paul."

Chrysostom and Theophylact doubt as to whether the quotation is a paraphrase of Isaiah, or is taken from some lost book; Jerome adopts and defends the received tradition, while Origen attributes it to some apocryphal book of "Elias the Prophet," which Bp. Lightfoot shews to have been really of later origin.

It may be added that the oldest MSS. of this Liturgy are a (mutilated) roll of the tenth century and two others of the twelfth and fourteenth centuries respectively. Dr. Lightfoot (*Works*, Ed. 1823, Vol. X. p. 554), rejects it for various reasons. He points out that no writer alleges its authority in the controversies as to the proper Deity or "procession" of the Holy Ghost in ante-Nicene time, which surely would have been done had they known that St. Paul had, as matter of common knowledge, quoted it as Scripture. Cave, Fabricius, Dupin, Le Nourry, Basnage, Tillemont and many others think that it is destitute of any claim to an apostolic origin and that it belongs to a much later age. Not before the fifth century was the name of "St. James" tagged on to it. The fact that it has been constantly "enriched" (or depraved) by additions from other sources,

proves that its custodians had no conception that it was inspired. We have but to contrast it with the accounts given in Justin Martyr and the Didaché to see how widely it departs in spirit from the simplicity of the Gospel.

As Mr. Hammond remarks, "It is obvious that such a theory as this, in itself antecedently improbable, requires very strong evidence if it is to command assent; but there is not a single alleged quotation, which, when closely scrutinized yields it any real support."

Next to the "Ancient" liturgies (including that of St. Peter), Mr. Reynolds is anxious that his "teachers" should think well of the First Prayer Book. He tells them accordingly that it "caught the mind of the English nation," that it "became popular," and that the vigour with which the Government suppressed the old service books "testifies to the popularity of the new book"! Now, nothing can be more absolutely untrue. The book came into compulsory use on June 9th, 1549, yet some six weeks later the Privy Council had to write an official rebuke to the Bishops "that our said book so much travailed for, and also sincerely set forth, remaineth in many places of this our realm either not known at all, or not used, or at the least very seldom, and that in such light and irreverent sort as the people in many places have heard nothing" (*Doc. Ann.* I. 79). The mediæval service books were destroyed, not because the Prayer Book was "popular," but for the opposite reason—that their retention was found to "be a let to the usage of the said Book of Common Prayer," and they were destroyed "that they never after may serve either to any such use as they were provided for, or be a let to that godly and uniform order" (*Doc. Ann.* I. 86). The very same Parliament which enacted this book (of which Mr. Reynolds says the teachers may "be proud") was compelled to abolish it in a later Act, which testified that "a great number of people in divers parts of the realm . . . refuse to come to their parish churches . . . where common prayer . . . is used upon Sundays," (5 and 6 Ed. VI. c. 1). It has been truly said that—



"The First Prayer Book of Edward VI. proved a failure. The original commission had to be cut down to less than half before the book could be got through committee; yet, even then, five of its 'compilers' disliked it; and Bishops Day, Skip, and Thirlby were among the eight Bishops who spoke and voted against it in the Lords. It was rejected alike by Bonner on the one hand and by Hooper on the other, and 'religious' rebellions in Devon, Buckinghamshire, and Oxfordshire attest its continued unpopularity. When it is remembered that the book only came into use on June 9th, 1549, and that no copy was printed after that year, it will be seen that the demand for it could never have been very great."—*Tomlinson on the Prayer Book*, p. 16.

Mr. Reynolds professes to enumerate the Bishops who opposed the adoption of this book, but omits Tonsal, Rugg, Aldrich, and Kitchin, all of whom openly spoke or voted against it in the "Great Debate."

He next deals with the Second Prayer Book. Of it he says (p. 39): "That book was to be used on November 1st, *but it was not ready*, and before its publication further attempts were made to alter the worship." This, again, is untrue and misleading. Grafton had printed at least two editions in August, and "there are evidently several issues of each." Stow's *Chronicle* says: "the first of November . . . the new service book . . . began in Paul's Church, and the like through the whole city, the Bishop of London (Dr. Ridley) executing the service in Paul's Church in the forenoon in his rochet only, without cope or vestment preached in the quire. . . . By this book of Common Prayers all copes and vestments were forbidden throughout England, and prebends of Paul's left off their hoods, the bishops left off their crosses, &c." (Stow, p. 608). The "further attempt," of which Mr. Reynolds speaks, was the attempt to do away with kneeling at the reception, which attempt was not only defeated, but led to the insertion of the Royal Proclamation, commonly called "the Black Rubric."

Prebendary Reynolds adds (p. 40) that under this book "the communicant was there only to *receive*, and not also to plead, before God the Father the everlasting sacrifice of his Son." This, again, is an absolute misrepresentation. Not only is every prayer in the Communion Service of 1552 a "pleading

the death," but, it may be added, so is every other prayer in the book offered "in the Name" of the Redeemer. Our present book equally with that of 1552 rejects Prebendary Reynolds' baseless fiction of a *sacrificial offering* of the body of Christ as renewed at each "mass."

Coming to the Elizabethan book, we are told (p. 47) that Elizabeth's "own wish was to restore the book of 1549, which was her father's book"! Dr. Gasquet has shown that the First Prayer Book did not begin to be until 1548 after Henry's death, and there is not a scrap of contemporary evidence that Elizabeth desired to restore the First Prayer Book. Such "traditions" only began after Elizabeth was in her grave. Among the changes effected by this book, we are told that "the use of the chancel was restored," and that "vestments again became legal." Neither statement is true. The only reference to chancels is in the very same words which date from 1552; and that the vestments were illegal is abundantly proved by the action of the Royal Visitors in 1559, who in the Queen's name judicially decreed the destruction of these very ornaments of 1549. (See *Queen Elizabeth and the Royal Visitations of 1549-1559*).

In his glorification of Laud and abuse of those whom he calls "Puritans" (a nickname which he actually imputes to the Puritans themselves), he goes on to speak of the "rubric before the Prayer of the Church [*sic*], directing the oblation of the elements," which he professes to discover in our present Prayer Book! The facts are that there is no prayer with that title, nor any such rubric. On the other hand, there is the fact which he suppresses, viz., that such a rubric was actually proposed in 1661 for adoption, and was rejected, and that the mere "placing" of the sacred viands on the table, exclusively for man's use as "food," is not an "oblation" at all, any more than the laying the Prebendary's supper table can be fitly so described. Alas, for the Church of England when its Training Colleges turn out a batch of "teachers" whose mission it will be to propagate this new series of "Reynolds' Fables!"

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# “New Light”

ON

## Elizabethan Ritual.

ELICITED BY THE ROYAL COMMISSION.

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THE plea frequently put forward for disregarding all the existing ritual Judgments is that since their delivery “new light” has been elicited which alters the statement of facts upon which alone a sound judgment could be formed. On the same plea it is sometimes urged that although the question of vestments had been a second time adjudicated upon after a re-hearing, yet there is material for a fresh consideration of the alleged facts. The Chairman of the Royal Commission expressed this belief when he said “there has been a certain amount of new light upon the subject, new historical light, since the decision of the Privy Council, which might have altered that decision if it had been presented to their minds before the decision was given” (*Minutes of Evidence*, I., 209). He was referring especially to the evidence of Mr. Frere, who, with Mr. Pullan, is referred to by several of the witnesses as the highest known authority. The Rev. E. Denny (who describes these gentlemen as “two of the most learned and careful exponents of the question” (*Minutes* III., 147), the Rev. C. P. S. Clarke and Chancellor Chadwyck-Healey, rely in their “evidence” upon these Ritualistic experts. The testimony of these experts to the ritual actually followed at the time when a reference to the “second year of Edward VI.” was first introduced, reveals a state of things which has never been brought to the notice of the Privy Council, or before any of the ecclesiastical judges in any suit hitherto decided. It is worth while therefore to collect these scattered rays of “new light” relating to the first six years of Elizabeth’s reign, when, it is alleged by the Ritualists, the mass vestments were required by law.

Mr. Frere, the Superior of the Community of the Resurrection and a voluminous liturgical writer, is the principal witness. We begin therefore with his evidence. Amusingly enough he begins by saying he should “like to take for granted” that the provision in sec. 25 of the Elizabethan Act of Uniformity and the “Fraud rubric” of 1559, which was substituted in the printed Prayer Books issued by the Government, “are in

agreement with one another, and that it is simply a natural difference of wording between the two" (*Minutes*, I., 115). Unfortunately, none of the Commissioners challenged this assumption, which is, in fact, the quicksand upon which the whole ritualistic castle of cards rests for its sole foundation. That fallacy is dealt with in the later evidence of another witness who did not "take for granted" anything, but showed the contradiction between the 25th section of the Act, 1. Eliz., chap. 2, and the illegitimate "fraud" which is the palladium of all sacerdotal combatants. (See *Minutes*, pp. 209, 210.) Into that controversy we need not now enter, as our immediate object is to show from the evidence of the ritualistic advocates themselves what was the recognised usage of the period when the rubrics of the First Prayer Book, or the customs of 1548 (or as Mr. Pullan prefers to put it, the customs dating from A.D. 1054) are commonly "taken for granted" as being in supposed possession of the field.

Mr. FRERE, then, testifies "it is quite clear that in certain cases other vestments than copes were allowed to remain in the Church, but only I think as a temporary expedient, *with a view to their being destroyed* as monuments of superstition. Those chasubles and censers, and so on, which were left behind were merely odd cases, which, so far as I understand, were simply left behind for convenience at the moment." "You can prove fairly well that copes were worn, at any rate, up to 1566, and *I do not know of instances in which chasubles were worn*" (Qq. 1,923-27). Sir F. JEUNE suggested to the witness that it was difficult to believe "that for something like two hundred years people should have gone on breaking the law in every Parish Church every Sunday, and yet that there should be no public notice taken of it?" But Mr. Frere rightly answered, "That would also apply to the whole of the time between 1559 and 1566. There is no more sign, so far as I know, during that period than there is in the period afterwards, of the law being kept." He added that up to 1566 "I know of practically no evidence at all for the use of the chasuble. There were a few cases, I think, where the alb may have been used, but most of them had been turned into rochets for the clerks, or surplices for the minister" (Qq. 2,526-7). Mr. DRURY asked, "You think that Bp. Bullingham went directly in the face of the Ornaments rubric of Elizabeth?" (*i.e.*, the "fraud rubric" of the *printed* books), to which Mr. Frere replied, "I have no doubt that *every bishop on the bench* did" (Q. 1,995). He is also clear that the Injunctions of Elizabeth, of even date with the Prayer Book, gave the royal authority to the surplice which was publicly enforced under sentence of deprivation (Qq. 2,347-56) in defiance, by the way, of the directions of the First Prayer Book.

Mr. PULLAN goes even beyond Mr. Frere in witnessing to the

suppression of the mass vestments by the Elizabethan Ordinaries. He says, "the bishops frequently denied the clergy the liberty of obeying the law" (Qq. 9,588-99). The ARCHBISHOP OF CANTERBURY well summed up the evidence by saying, "the facts as we have got them historically would correspond very closely with what you would have expected them to be, *had the whole thing been indisputably illegal from the very first?*" Mr. Pullan answered candidly, "I think with the exception of the Queen's chapel things would point that way" (Q. 9,621).

Bishop GORE was asked by Mr. Drury, "You would allow that during those reigns [of Elizabeth, James I., and Charles I.] in the particular case of the Eucharistic vestments, we have hardly any mention of them, have we?" to which the ready answer came, "No, I should have thought that it was quite plain in history from the *first mention at the very beginning of the reign of Elizabeth*" (Q. 14,987).

Chancellor CHADWYCK-HEALEY also affirmed that "Chasubles were not, in fact, worn between 1560 and 1566" (Q. 16,040). Sir EDWARD CLARKE put it to Lord Halifax (Q. 23,262) that "As matter of fact we know that the dress which was habitually worn up to the date of 1559, from 1552 [1553 ?] to 1559, was after 1559 absolutely disused for nearly three hundred years?", and, after some fencing, Lord Halifax admitted that "they were disused." Sir LEWIS DIBDIN volunteered the admission that "So far as I know there is no evidence of the use of vestments after, broadly speaking, the accession of Elizabeth, 1558, until 1566, and therefore, whatever it was that caused the disappearance of vestments was in operation quite irrespective of the Advertisements" (Q. 16,098), and the Chancellor himself gave the date of their destruction as "In 1559 and 1560" (Q. 16,177).

Such then being the knowledge of the Dean of the Arches it was hardly fair to try to entrap Mr. INSKIP into an admission that the vestments which, as we have seen were suppressed everywhere during those first six years of Elizabeth's reign, were, nevertheless, admittedly required by law at that very time. But Mr. Inskip was too good a lawyer to be so bluffed. Here is the sophistical dialogue as reported in Vol. II., p. 488.

14,784. *Sir Lewis Dibdin*: Might I ask you one question. You know that vestments were legal at the very beginning of Queen Elizabeth's reign?—I think that is open to some argument.

14,785. Surely, it is not: you and I do not differ about that. By the Ornaments rubric before the Advertisements of course they were legal?—Is it a rubric?

14,786. I think you will admit that?—I doubt whether it is a rubric. I think it is a quotation from an Act of Parliament.

14,787. But the Act of Parliament . . . authorised the vest-



ments for the first years of Elizabeth's reign?—There were the words "Until further [other] order shall be taken."

14,788. And until that further order was taken it is not open to contention, is it, that they were not legal?—I am not prepared to give an opinion on that point at the moment.

As the Purchas Judgment expressed it: "The statute of Elizabeth *did not direct such use*, nor refer to any special times of ministration, but it ordered simply the retaining of the ornaments till further order made by the Queen" (L. R., 3 P. C. p. 642, or *Brooke*, p. 174).

The BISHOP OF EXETER rightly observed (Q. 14,535) that "the question of the legality of the vestments depends not on any disputed view of the terms of the rubric, but upon the historical question, whether the rubric itself is, as regards the ornaments of the Minister, over-ridden by action taken under the Elizabethan Act of Uniformity, which Act (including, of course, action taken in pursuance of it) is expressly kept in force by the Act of 1662."

That is why Mr. Frere preferred to "take for granted" that the language of the illegitimate and non-statutory fraud-rubric (substituted for the statutory rubric of 1552 in the *printed* books as issued by the Government) might be palmed off as "law" *instead* of the language of the twenty-fifth section which did not relate to *ritual* use at all, and did not refer in any way to the usages of 1548 but to the "authority of Parliament" by which those usages were not only superseded, but even made penal.

Even as regards the cope, Mr. Frere is not warranted in assuming that the Elizabethan use (exceptional and rare as it undoubtedly was) was in any way founded on the Ornaments rubric. For example he quotes (p. 124) from Peacock's *Lincolnshire Inventories*, on page 77, "'Item one cope and a chalice remaineth' signed by the bishop and dated 22nd April."

That particular return is of exceptional importance, because it contains the actual direction given by the Bishop and the rest of the Commissioners, whereas Mr. Frere usually relies on the mere statements of the churchwardens, which are not evidence of anything as regards what was "lawful" or "unlawful." But then Mr. Frere has omitted to quote the words of this Episcopal "order taken," viz.: "the said churchwardens have to verify before Maie daie next of the *defacing of such things as remain this daie unaltered* and to certifie more certainlie for the rest." Dr. GIBSON (who acted throughout as Counsel for the Ritualists) tried to improve on Mr. Frere's quotation by suggesting (Q. 1,984) "On page 77 you gave us 'one cope and a chalice remaineth.' I suppose you would infer from that

that the chalice was used when it remained, as the cope was to be used when it remained?" Mr. Frere, however, knew too much and was too honest to take advantage of this mistaken lead, "because there are so many cases in which the chalice is regarded as a thing to be forbidden, or at any rate transformed into a communion cup." So that the Gibson argument might be turned just the other way as showing that since the chalices which "remained" might not then be *ritually* employed, therefore, the copes which "remained" were also retained merely for utilisation as carpets for the table, curtains or the like, to which customary "uses" these very Lincolnshire returns bear ample witness. Dr. Gibson had forgotten that the word "chalice" had been carefully struck out of Elizabeth's Prayer Book, and that both the Elizabethan archbishops had forbidden the ritual use of what Jewel calls "the sacrilegious chalices" and required their clergy to use "no chalice, but a communion cup of silver." (See *Tomlinson on the Prayer Book*, page 95, note.)

A good illustration, which has never before been printed, is found in Bishop Geste's register at Rochester, fol. 99, *dorso*, among the "Injunctions ministered in his Visitation"—"xx. Item that the Challes in every parysshe be altered into a desent Cupp therewith to minister the holly Communion taking awaye no more thereat but only so much as shall paye for altering the same into a Cupp. And the sayd cupp to be provided in every parish within my sayde diocese by or on this side of the feast of St. Michael th' archangel next coming after the date hereof." These injunctions, dated June 28th, 1565, were prior to the issue of the Advertisements, yet the xiiijth of the Articles of enquiry which precede these Injunctions (fol. 98) is "Item, whether ye knowe any prist or minister that useth not *in the church* & abroad the apparell that ys appoynted him by the Quene's maiestie's Injunctions." The Eighteenth Article, which relates to the Holy Communion, also asks "whether they use suche desent apparel *at the same ministracion* as they are appoynted by the quene's maiestie's Injunctions." The Injunctions of the Queen gave no sanction to either vestments or copes, but No. 30 required the dress of "the latter year of the reign of K. Edward the Sixth," *i.e.*, the "surplice only" of his Second Prayer Book.

As Mr. Frere did not give the Commissioners any full account of the evidence furnished by these Lincolnshire inventories, it may be useful to summarise what it really amounts to. The Purchas Judgment said:—"An Inventory of the ornaments of 150 parishes in the diocese of Lincoln, A.D. 1565-6, has been published by Mr. Edward Peacock, and it shows that the chasuble or vestment, and the albs were systematically defaced, destroyed and put to other uses." In 1565, Archdeacon

Aylmer had held a Visitation (*Peacock*, p. 54), at which he had given the churchwardens notice to produce their inventories, after which the following "Royal Commissioners," viz., the Bishop of Lincoln (Bullingham), Archdeacon Aylmer, George Mounson, gentleman, Sir Robert Mounson, and Martin Hollingsworth "took order" respecting the illegal ornaments. The Inventories were exhibited and sworn to by the Churchwardens on dates ranging from March 17th, 1565 (O.S.) to May 2nd, 1566, and were countersigned by the Commissioners. It is clear from these returns that the sacrificial vestments, alb, and chasuble were everywhere dealt with as contrary to law; and we now know, what the Purchas Judges did not know, that these returns were all *prior to the issue of the Advertisements*, and are evidence—not of a change created by the Advertisements, as had been supposed, but showing what the law was independently of the Advertisements. One or two of these returns may be quoted as specimens:—

Pp. 107-8.—"HORBLINGE.—The inventarie of all such copes, vestments, and other monuments of superstition as remained at any time within the parish church of Horblinge since the death of the late Queen Mary, made by Thomas Buckminster and John Burgies, churchwardens, xvijth day of March, 1565. . . . Item, 2 Vestments—the one hath Thomas Wright, of Horblinge, and hath cut it in pieces and made bed hangings thereof; and the other was given to Richard Colson, a scholar, and he hath made a player's cote in *anno primo* Elizabeth. Item, two albes, was cut in pieces, and surplices made thereof to serve for our Church."

P. 86.—"GONWARBIE.—Item, 2 copes, 2 vestments, 1 alb, with all the priest's apparel that he was wont to wear at Mass—were cut in pieces *anno primo* Eliz., and sold to William Carter, of Gonwarbie, a tailor."

P. 93.—"HARBROUGH.—Item, a vestment, albes, amises, and such like linen, belonging to the Popish priest—the vestment we have cut in pieces and made a pulpit cloth of, and of the albes a surples of." (*sic.*)

P. 83. "GATON.—Item, one vestment, one alb, fanell, stoles, with such-like linen appertaining to the Popish priest, a Mass book, and a pax with such trifling tromperie belonging to the sinful service of the Popish priest, was delivered to Sir James Bancroft, *anno primo* Elizabeth, of whom we had the same the first year of Q. Mary."

P. 147.—"STOWE.—Item, one cope, one albe, and one vestment, which was lent to our Church by John Hirst, of the same parish, in Queen Marie's days, and at the defacing of all papistrie he had it again, and hath defaced the same." On which the Archdeacon notes: "Let the Churchwardens see it defaced."

Other instances show the same thing—viz., the defacing as illegal of these things *at the Visitation in 1559, 'anno primo,'* as well as in 1565-6.



The cope, it is true, received more lenient treatment, as not having been a Mass garment. Yet the majority of the churches had *no* cope. Thus out of the first 79 Lincolnshire Churches 51 had no cope. Some copes had been made into communion cloths, others into pulpit cloths. Canon T. W. Perry says twenty-four had been defaced, beside nineteen *ordered to be defaced* in this later visitation (Perry on *Purchas J.*, p. 39), and twelve had been sold. Besides which, it must be remembered that it does not follow that when a cope "remained" it was in *ritual* use. Such things were simply kept for utilisation in other ways from time to time, as opportunity presented itself.

But to return to the "Evidence" given before the Commissioners. Bishop JOHN WORDSWORTH testified that the celebrant alone was not bidden to use a cope which was to be worn by "the Epistoler and Gospeller as well as the celebrant" (*Minutes*, III., 137), and Dean LEFROY showed (II., 426) that this was equally the case under Elizabeth, and under the Jacobean Canons. This proves that the rubric of 1549 was *not* relied upon or followed, since the Epistoler and Gospeller, under that book, were required to wear "albs with tunacles." The triple cope wearing was merely a personal fad of the Queen. Several bishops testified that the cope is an exceedingly unsuitable and inconvenient dress, effectually preventing the celebrant from "with readiness and decency" using both his hands, as required by our present rubrics.

Bishop GORE said "the cope is an extraordinarily inconvenient form of clothing for the Holy Communion" (II., 506). The Bishop of BRISTOL said, "I should find a great difficulty in celebrating with any confidence with such a very trying garment on, a very heavy thing that hampers one's arms so very much, and that the slightest slip with any of the consecrated elements is so dreadful to think of" (II., 514).

Bishop JAYNE also said, "I do not consider that the cope, in the ordinary sense, is a convenient garment for celebrating Holy Communion in (II., 460). Yet the Bishop of LONDON said (III., 271): "It is most surprising the number of those who would be almost called Evangelical, who ask you to wear the cope and mitre now." The Bishops of Bristol and Chester have persuaded themselves that the Chimere is really a cope (II., 514 and q. 14,327). Bishop Fraser certainly held that view. But the unhappy deans and canons have no such fanciful pretext for escaping the incubus. It may be some consolation to these unfortunate dignitaries to know that the Rubric of 1552, which was enacted by sections 3 and 4 of the Elizabethan Act of Uniformity, actually forbade the wearing of any cope, and it is at least doubtful whether the 25th or 26th Sections of that Act authorised the Queen to take

“further order” in the very teeth of the statute. The Crown was empowered to “take other order” as regards the ornaments in the actual custody of the wardens who brought their Inventories to the Royal Commissioners to be so dealt with; it was also empowered to make additions to the prescribed rites and ceremonies, under Section 26, but not, it is submitted, in direct reversal of any of the direct commands or express prohibitions of the statute itself. Otherwise, the Queen might have restored the Latin mass and completely defeated the very purpose of the Act of Uniformity. It is submitted that on this ground the order of the Advertisements relating to copes in cathedrals was *ultra vires*, and the Canon of 1604 could have no legal validity in contravention of a statutory order that “the Minister at the time of the Communion . . . shall use neither alb, vestment, *nor cope*; but . . . being a priest or deacon, he shall have and wear a surplice *only*.” For the Act of Elizabeth, it must be remembered, did not *directly* enact any Prayer Book, nor anything except the few specified alterations mentioned in the Act, which alterations did not include or relate to the Ornaments rubric. It simply repealed Mary’s repealing Act, the effect of which was to replace the second act of uniformity on the statute book: so that the 5 and 6 Ed. VI. c. 1 was really the “authority of Parliament,” during the years 1559-1661. That rule of law was in force until the year 1850 (see 52 and 53 Vic. c. 63). Mr. Cuthbert ATCHLEY, himself an ardent ritualist, told the Commissioners that while copes were used by choir men and others on State occasions, at Evensong, at baptisms, or marriages of the Royal family, “none of these occasions are enumerated as times suitable for the use of copes in the Note to Edward’s First book” (III., p. 35, q. 16,618). He adds: “On the contrary, the tenor of the note would seem to be entirely opposed to such a practice: a surplice and hood being the utmost that was intended.”

No wonder that the fitful and occasional use of the cope quickly died out, and was never at any time prevalent. It was at best an irregular exhibition of pomp, never used in ordinary parish churches, and having, in strictness, no legal warrant.



A REVIEW OF FRERE'S  
HISTORY OF THE ENGLISH CHURCH  
IN THE REIGNS OF  
ELIZABETH AND JAMES I.  
(1558 - 1625).

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As a "priest of the Community of the Resurrection," and a member of Lord Halifax's "Union," Mr. Frere of course stands for the counter-Reformation movement, and his "re-writing" of Procter we have already animadverted upon. But it is due to him to recognise the industry with which he has striven to bring his History up to date, and the manifest effort to be fair, which completely separates him from the "baser sort" of Ritualistic "historians" like Wakeman and McColl.

He admits, for example, that the "Catholicism of the *King's Book* of 1543 was a doctrinal standard which could not be set up again by the Reformers" at the Elizabethan settlement (p. 16): that the Proclamation of the restoring the cup to the laity was really "issued" before Easter Day in 1559; an admission which is not only in advance of Dr. Gee, but of Mr. Frere himself in his own edition of Procter (p. 103).

Mr. Frere recognises that the so-called Revision Committee probably never sat at all in 1558-9 (p. 26), that Bp. Geste's draft prayer-book went beyond that of Edward's second book in some of its Protestant changes (p. 27), that the Ordinal of 1559 lacked statutory authority owing to the carelessness of the draftsmen in framing the Elizabethan Act of Uniformity (p. 47), that Elizabeth's introduction of a Crucifix into her private chapel for diplomatic



purposes was an "example not followed elsewhere" (p. 53), and that Sampson's "pompous phrase" about the "golden vestments [vestes, not Vestimenta] of the papacy" here "probably means no more than copes" (p. 54). He concludes fairly enough that "the final victory fell to the opposite side: the Queen retained her own ways in her chapel: the roods were *not* restored to the churches, the lofts themselves were adapted to the new state of things and repaired from the violence done to them at the destruction of the images: and the reforming party, thankful to have escaped this peril, was content to leave the Queen and her offendicle in peace" (p. 54).

Of course, as a Ritualist, he is bound to apologise for, or to defend the fraud rubric of Elizabeth. He suggests therefore, that the "bareness" of the 1552 book "was remedied by the Proviso that the Edwardine ornaments were to be retained and be in use" (p. 28) adding that "the Ecclesiastical Commissioners, newly provided by the Act of Supremacy were to be called in to advise with the Sovereign and take further [*sic*] order about the ornaments, or to ordain and publish further ceremonies and rites." Of course this is a double mistake. The "Proviso" related to a totally different retention and use from any ritual employment in divine service by the officiating clergy such as had been expressly forbidden under penalties by the earlier sections of Elizabeth's Act, which re-enacted the ornaments rubric of 1552—a pertinent fact passed over by Mr. Frere in discreet silence; and the "fraud rubric" could not have been sanctioned as a "further order" because when the new prayer book was printed neither "Metropolitan" nor "Commissioners under the great seal for Causes ecclesiastical," were in existence. The "ordaining and publishing further orders" did not relate to ornaments at all, but solely to additional Rites and Ceremonies, and the language about "further orders" occurs in a different section (26th) from the proviso (25th section) which dealt with the discarded and illegal dresses and implements of the older (and rejected) Prayer Book of 1549. But Mr. Frere candidly admits that the enforcement of the fraud-rubric was "never within the bounds

of possibility ; if it was ever practically contemplated, the wholesale destruction by the Commissioners in the Visitation of chasubles, tunicles, copes and other 'popish gear' on the ground that they had been superstitiously used, soon put the general observance of the rubric out of the question. Even where the old ornaments were retained, it is probable that they were little in use ; for whatever the law might be, the conduct of the Commissioners was an object lesson which no one could afford to disregard" (p. 55). It is odd, however, that on the same page Mr. Frere is found saying that "surplices were on exactly the same footing as chasubles." No two things could be more sharply contrasted. The "surplice only" was enforced under penalties by the revived Act 5 and 6 Edward VI. and by the sections 3 and 4 of Elizabeth's Act. It was compulsory for use at Holy Communion, whereas the first Prayer Book did not even allow of its use at that service. Being a loose flowing garment common to lay clerks and the clergy, the surplice was unfitted to be worn along with the chasuble which both then and now the unreformed clergy held to be consecrated to the "distinctive" and exclusive use of the celebrant. Indeed the most salient point of difference between the Reformed and the unreformed ritual was just this designed contrast between the surplice and the mass-"Vestment," as the chasuble was commonly called. There can be no reasonable doubt that the Royal visitors being Commissioners under the great seal for causes ecclesiastical were appointed for the very purpose of "taking order" by ordering the sale, defacement or removal of the ornaments of the older *régime*, in administrative execution of the rubric of 1552 which directed the minister in times of ministration to "have and wear a surplice only." Yet Mr. Frere says (p. 42) "that the Visitors burnt the copes, vestments and other legal ornaments in defiance of the Act of Uniformity"! If for "defiance" we were to read "pursuance," the statement would become exactly right. That the Queen's agents should act "in defiance of the Act" is not merely inherently absurd, but would have made them liable to prohibition from the Civil courts, and

the clergy who obeyed them could have been prosecuted at the assizes by any law-abiding parishioner, the penalty for persisting in so doing being deprivation.

But to return to the good points in this history. Mr. Frere recognises that at the memorial service held at the death of the King of France, the service was conducted "in gown, hood and square cap" (p. 56), because this fancy "State service" was not provided for by the Act of Uniformity. He admits that the *Interpretations and Further Considerations*, which were first published by Strype some 150 years later, "have the appearance of resolutions made by a body in consultation rather than of Instructions definitely issued" (p. 59). The truth is that they are mere tentative drafts quite unfinished, and never signed by anybody even in the rough. Mr. Frere also recognises that Elizabeth habitually altered the text of articles and canons after they left Convocation (see pp. 97, 163, 192), just as she had tampered with the statutory ornaments rubric of 1552, and he shows that the Romanists who were put to death in the later years of the reign suffered for treason and on political grounds (p. 221.) These extracts serve to show that Mr. Frere has given independent consideration to details, which too many so-called "historians" are content to take over from Strype, and thus too often perpetuate the mistakes of that rather careless annalist. Mr. Frere is careful to notify that he has not adopted Dr. Gee's theories (p. 31.) Yet in one instance, at least, Dr. Gee has more correctly adhered to the facts than Mr. Frere. The latter represents (p. 22) that on the first Easter Day after Elizabeth's Accession "after mass the celebrant took off his vestments and gave communion in both kinds."

That, however, is not what Il Schifanoia said in the passage referred to in the Venetian State papers (p. 57). That writer said, "On Easter Day Her Majesty appeared in chapel, where mass was sung in English according to the use of her brother King Edward, and the communion was received in both kinds, kneeling. . . . Nor did he wear anything but the mere surplice, having divested himself of the vestments in which he had



sung mass." On this Dr. Gee justly remarks, "it will be observed that the priest is not said to have sung mass in vestments" on this occasion, as Mr. Frere represents, and "the words may mean, 'having laid aside on this occasion the vestments which had hitherto been in use.'" (*Elizabethan Prayer Book*, p. 96). It is clear that the service used could not have been the *Order of Holy Communion* of 1548, for, in that, the "mass" was in Latin and not "in English." It could not have been the Prayer-book office of 1549, for that did not permit the celebrant to wear a "surplice only," or a surplice at all at Holy Communion. Beyond doubt, therefore, the office used was that of 1552, and was probably intended to show both to Parliament and the country what was aimed at by the Government, the service being held just four days before the celebrated Disputation in Westminster Abbey. For in the Government Bill introduced during the following month this very same communion office of 1552 was made compulsory.

In a work dealing with so many details some mistakes were, of course, inevitable. Thus Mr. Frere speaks of the introduction of the new service book "three weeks before the appointed date," as though it were illegal (p. 33). But section 19 of Elizabeth's Act not merely authorised, but made compulsory, the use of the book before that date, if copies could be procured early enough. Mr. Frere admits (p. 33) that "England copied London, and the prayer book was in general use long before midsummer came," which, at least, proves how eagerly the second prayer book of Edward was welcomed everywhere. Mr. Frere makes Nowell to be the new dean at St. Paul's in 1559, instead of Dr. May, whose death made way for Nowell in 1560. The statement that the book was refused throughout the "diocese" of Winchester (p. 33) is true only of the Cathedral city. Mr. Frere's sympathies with the older bishops lead him to say (p. 45) that Tonstal's "expostulation delayed matters somewhat and hopes were cherished, even after Bourne and Pole had been deprived, that he would conform." That is erroneous. The Spanish Ambassador, who is the authority relied on, said, "the Bishop of Durham, a very aged

and learned man, came up from his diocese solely to tell the Queen what he thought about these affairs. He showed her documents in the handwriting of King Henry against the heresies now received, and especially as regards the Sacramentaries and begged her, at least, to respect the will of her father, if she did not conform to the decrees of the Church ; but it was of no avail and they only laugh at him" (*S. P. Spanish*, p. 89.) Tonstal wrote in vain to Cecil and to Sir T. Parry, but was deprived of his See in the month following before either Bourne or Pole had been similarly dealt with. In other places Mr. Frere seeks to suggest that consecration for the sick in private houses was merely a late custom (pp. 79, 165) although the Elizabethan prayer book assumed that the entire Communion Service would be so used, except as regarded a special collect, epistle and gospel to be used "at the *celebration*." (*Eliz. Liturgies*, pp. 78, 231, Parker Soc. Edit.) His sole reason for this conjecture is that Archbishop Parker inserted into the *Reformatio legum* the words "in crastinum" for the morrow—evidently in allusion to the prohibition in Exodus xvi. 19, of reserving the manna, which was a recognised type of the Lord's Supper. Sir Lewis Dibdin dealt effectually with this pretence in his celebrated speech on Reservation, p. 68 (*Jewel, Works* I. 175.) In other instances also, Mr. Frere goes beyond what his authorities warrant. For instance, he says the table of "Varieties" furnished to Cecil in 1564 describes the services as said "sometimes eastward, sometimes at a lectern" (p. 115), though neither of these usages is mentioned there. Again on p. 117 he describes how on February 1st, 1566, at St. Sepulchre's Church, Archdeacon Mullins directed the wearing outdoors of "a round cap with a deep neck, a turkey gown with a falling cape," and he goes on to allege that the eight clergymen (out of 109), who alone refused to wear "the surplice only," "were Conservatives who clung to the old habits, the copes, wafer bread, &c., which were all that they had been able to retain of what they desired, and of what in theory at least, legislation had secured to them."

All that is inaccurate. The date was February, 1564; and according to Strype (*Life of Grindal*, p. 144,) and Dixon (*Hist.* vi. 120) the eight Nonconformists refused the surplice on ultra puritan grounds. This official insistence on the "surplice only" was manifestly based on the rubric of 1552, which alone "legislation had secured to them": and Mr. Frere forbears to mention that this "order taken" in 1564, two years before the issue of the advertisements, was taken on the initiative of the Privy Council, *i.e.*, of the Government of the day. (See Earle's Diary MS. "Mm. 1. 29" University Library, Cambridge. fol. 2 b.) There are other instances in which Mr. Frere's prejudices have interfered with his clearness of vision; but, on the whole, his work contrasts honourably with that of mere partisan writers, of whom Canon MacColl may be regarded as a typical example



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# CANON MAC COLL'S CARICATURE

OF

## "THE REFORMATION SETTLEMENT."

THERE was subtle irony in describing this book as the "Reformation Settlement," for its object is clearly to "do for" the Reformation. We are told (p. 438) that for some years Mr. MacColl earned £800 a year as a pressman ; and the voluble facility with which he reels off anecdotes, and repeats plausible mis-statements (mostly at second-hand) is evidence that his professional readiness has not forsaken him, nor his right hand forgotten its cunning.

After many polite words to Sir William Harcourt as a politician and as a controversialist, Canon MacColl takes the patronising line as regards Church "History" with which he condescendingly assures the Rt. Hon. Baronet he is prepared to supply him, and that too of the most "up-to-date" description. Accordingly he proceeds to inform him that the Reformation was a purely political change (p. 338), the getting rid of Papal supremacy being the only important thing involved !

His first postulate is that the *Necessary Doctrine and Erudition* of 1543 was the sole legal standard of doctrine in England till the death of Edward VI. (p. 156). But that anti-reformation document rested for its legal authority upon the Act 32 H. 8 c. 26 which was repealed by the later Act 1 Ed. VI. c. 12 passed on Christmas Eve, 1547 ; so that during the "second year of King Edward VI." (and ever since) it had no "authority of Parliament" whatever.

The recital of that Statute (32 H. 8 c. 26) is given erroneously in many summaries of the Statutes. It really runs—

"And that so high and godly things may not rashly be defined, determined, and set forth, nor to be astricted or restrained to this

The  
Necessary  
Doctrine  
of 1543.

present session or any other session of this present Parliament, but from time to time be defined, &c., as the case shall require, and as his Majesty *with the advice of his most honourable Council and such as his highness hath appointed or shall from time to time appoint* to the same, shall think most convenient,"

so that if that Act were not repealed in 1547, the "Forty-two Articles of 1552 (substantially identical with our "Thirty-nine Articles") would have been enacted thereby. Though the completed draft was submitted to Convocation by Cromwell, the Lay Vicar-General, who presided over its deliberations, the "Necessary Doctrine and Erudition" was really compiled by a Royal Commission outside Convocation (York Convocation not being consulted at all), and was afterwards submitted to the Privy Council, and finally published solely on the "Erastian" authority of the Crown; the King acknowledging, indeed, the "*advice of our clergy*," as also that the "Lords spiritual and temporal with the nether House of our Parliament have both seen and like it well."<sup>1</sup> But the very first Act of Edward's Parliament repealed all the clerical "constitutions" which had required Auricular Confession before the Easter Communion, and it restored the Cup to the Church from which the clergy had withdrawn it. Canon MacColl boasts that the *Order of Holy Communion* of 1548 "was used without any authorisation at all by Parliament, and the laity had no hand in it" (p. 340). But the 26 H. 8. c. 1. (recognising the prerogative of the "Supreme Head of the Church") was not repealed till afterwards, viz., by the first Act of Philip and Mary. The names of the compilers of the *Order of Holy Communion* are matters of conjecture, not being certainly known. The "Order" itself, however, was issued to the Bishops by the Privy Council, and it was duly authorised by a Royal Proclamation. It rested therefore (like the commission given to its compilers) on "lay" authority, which (*pace* Canon MacColl) may be every whit as much "Church" authority as that of the episcopate itself.

There is a certain humour, however, in the champion of

<sup>1</sup> Bp. Lloyd's *Formularies of Faith*, p. 216.

the priest-party disproving any "authority of Parliament" in respect of the *Order of Communion* of 1548 seeing that the Alcuin Club have erected this little tract or leaflet into the proud position of being emphatically "*The* authority of Parliament" mentioned in the Ornaments Rubric. The Bishop of Bristol has even pronounced Mr. Micklethwaite's tract, in which this absurd theory is put forward, to be the very best authority on the subject of the Ornaments Rubric! Pity that those who affect to correct the Privy Council as to the meaning of Acts of Parliament, are never able to agree among themselves. Of course no notice is taken of the "Great Debate" in Parliament in 1548, when for three days the Bishops conducted a public debate, remarkable for the frank admission by every speaker, on both sides, that the new Prayer Book had excluded any belief either in the pretended "oblation" of the Mass, or in Transubstantiation. Neither Incense, Lights, nor Holy Water were among the things "retained" by that book. Canon MacColl says, "I am not sure that we know for certain what the full ceremonial in use under Edward's First Prayer Book was." As proof, however, that all pre-reformation ritual was retained, he refers us (p. 447) to Bucer's *Censura* as telling the English Bishops that "there is still found in many of your churches a studied representation of the execrated mass": and the words are added "All these should be forbidden." But what Bucer actually said was, "all these should be *expressly* forbidden"; and forbidden they were by the Royal Visitation Articles of 1549 copied by Hooper and Ridley, and doubtless by other Ordinaries in their ensuing visitations. So far from Bucer's words suggesting that all these things had been implicitly retained by the First Prayer Book, they evidence the exact contrary. Incidentally we find at p. 103, the story of Cranmer forcing the youthful King to put to death Jean Boucher; a fable which was exploded as long ago as 1842.<sup>2</sup>

The Great  
Debate of  
1548.

Mass  
Ritual  
modified  
by First  
Prayer  
Book.

<sup>2</sup> See Hutchinson's Works, Parker Soc. pref. v.



Clergy  
were not  
free to  
teach  
Roman  
doctrine.

"At no period in the reign of Edward . . . would belief even in Transubstantiation have disqualified a clergyman for office in the Church of England," says Canon MacColl (p. 255). But the people who lived at that period tell a very different tale. Bucer, writing April 15th, 1550, said: "Up to this time nothing further is established in this controversy, than that Transubstantiation is not to be affirmed."<sup>3</sup> No one was allowed to preach without a special licence, and Brooks (the R.C. bishop-elect of Gloucester), preaching soon after Edward's death, gave the "catholic" version in his sermon at Paul's Cross, November 12th, 1553.

"Hath there been any spiritual promotion and dignity, yea or almost any mean living of the Church bestowed these few years past, but upon such only as would earnestly set forth (either by preaching, either by *subscribing*) all the erroneous doctrine, falsely termed 'the King's proceedings'? Hath there been any Catholic of late years refusing subscription, but hath been other deprived, other imprisoned, other banished their company, other at least silenced?"<sup>4</sup>

Canon MacColl cites his brother Ritualist, the "wily Winchester," as denying any legal footing to the Reformation doctrines. No doubt Gardiner refused both the Royal Injunctions and the Book of Homilies; he rejected the new Ordinal as being invalid, and he barely and reluctantly tolerated the Book of Common Prayer. Nevertheless, he was required to sign a series of Articles, including the statement that

"The mass that was wont to be said of priests was full of abuses, and had very few things of Christ's institution besides the Epistle, Gospel, Lord's Prayer, the words of the Lord's Supper; the rest for the more part were invented and devised by Bishops of Rome and by other men of the same sort, and therefore justly taken away by the statutes and laws of this realm, and the Communion which is placed *in the stead thereof* is very godly and agreeable to the holy Scriptures": also that "all mass books should be abolished and defaced."<sup>5</sup>

Failing to comply, he was sequestered for three months, and was soon afterwards deprived.

It is mentioned (p. 156) that at the end of the First Book of Homilies "we read of 'the due receiving of

<sup>3</sup> Gorham, *Reformation Gleanings*, p. 143.

<sup>4</sup> Hardwick, *History of the Thirty-nine Articles*, p. 225 n.

<sup>5</sup> Dasent's *Acts of the Privy Council*, iii.-74.

Christ's body and blood under the form of bread and wine.'” But two things should have been mentioned also, viz., that this “advertisement” was, in form, the conclusion of the *Royal* Preface of 1547 into which the Homilies had been, as it were, sandwiched, the whole concluding with “God save the King.” It was merely an announcement by the King in Council that certain other Homilies would at some future time be published. But at the date of that announcement, the Roman doctrine was still received in its entirety: nay, more, the bloody Act of the Six Articles was still unrepealed, and men were committed to prison for trial under that Act during the whole of that “first year of the reign of Edward VI.” The Advertisement had no “spiritual” sanction, and its pledges were never redeemed. After the Christmas following (1547) Transubstantiation was merely an optional speculation, and after the “Great Debate” and the issue of the First Prayer Book it became a repudiated theory.

Advertisement to Homilies.

Coming next to the Second Prayer Book of Edward VI., we are told, quite untruly, that the second Act of Uniformity “declares that ‘by the aid of the Holy Ghost’” the First Prayer Book had been devised (p. 303). That would have been an odd thing to do in a statute which abolished and made illegal the very book so described! But what that Act declared to be “agreable to the Word of God and the primitive Church” was NOT the First Prayer Book, but the “use in the mother tongue,” which that Liturgy had inaugurated.<sup>6</sup> Yet this imaginary canonisation of a book which it was the very object and sole purpose of the Act to repeal and supersede, is described by Canon MacColl (p. 305) as “the Church of England,” being “careful to put on record, *through the mouths of the spiritual and temporal organs of the Nation*, a distinct protest that that was not her intention,” viz., to withdraw “her” sanction from those prayers for the dead (1549),

Second Prayer Book.

<sup>6</sup> See *Tomlinson on the Prayer Book*, p. 20.

every one of which was then carefully struck out ! Canon MacColl gives us the original information that "Cranmer disliked the alterations which the Second Prayer Book made in the Communion Office" (p. 342). The statement is wholly untrue.<sup>7</sup> On the contrary, most of the changes actually made in 1552 can be traced to his own previous writings. In the "Great Debate" of 1548, he denied not merely Transubstantiation, but the "real presence" also: the reception by the wicked was also formally denied by him in that public debate; and the Forty-two Articles which he framed and issued as Metropolitan are, if possible, more "advanced" and "extreme" in their outspoken Protestantism than even the despised Second Prayer Book. We are next informed that

"An order in Council was issued on Sep. 27 cancelling the whole edition and forbidding the issue of any more copies. On the 6th day of the following July the boy-king, who had been ailing for some months previously, died: and his Second Book of Common Prayer died with him . . . All the copies printed up to the end of September in that year (1552) had been suppressed by the Order in Council referred to. There is not a fragment of proof, that I know of, to show that any other edition had been printed in the meantime" (p. 344).

The object of all this seems to be to suggest that in comparison with the First Prayer Book, copies of the Second were hardly in evidence at all. Nothing could be more misleading. As a fact, the First Prayer Book was an absolute and utter failure. The Privy Council themselves testify to this, and the Act which supplanted it complains of the people as habitually absenting themselves from its services. It was never reprinted during Edward's lifetime after the year in which it first saw the light. As regards the Second Prayer Book, in my *Lay Judges in Church Courts* (pp. 79-81) I have given proof of the following facts:—

"The King died July 6th, 1553, and the Book came into use November 1st, 1552. Its use was far more general than that of the 'First' book had ever been. Mr. Welby Pugin says 'it was used by

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<sup>7</sup> The book which he challenged his adversaries to impugn he undertook to defend "with Peter Martyr."—Strype's *Cranmer*, iii.-458. E. H. S. edit.



the great majority of the old priests.' Eight separate editions (besides several separate impressions of each) and a French translation are known to have been issued. So far from 'dying with the King,' it was found that even in Mary's packed House of Commons, one-third were favourable to its retention; it was used exclusively by the English exiles abroad; and it lingered in actual use even in England so late as 1555. 'Did not many in the University, and abroad in the realm, use this Service openly and commonly in their churches, afore it was received or enacted by Parliament?' asks Bp. Pilkington in the next reign. Cox and May, two of the compilers of the 'first' Prayer Book, were among the 'divines' who then preferred the adoption of the *second* book, which was accordingly enacted by 1 Eliz. c. 2. But even earlier than that, 'on March 17th, a Bill was brought in that no person should be punished for exercising the religion used in King Edward's LAST year,' read twice and ordered to be engrossed. Although the use of Edward's Second Book did not become compulsory till June 24th, it was used before May 10th in the Queen's Chapel, on May 15th at St. Paul's, and by May 21st 'throughout England.' On May 28th 'most part of the City of London' had restored it, though the printers could not supply copies fast enough. At least four impressions belong to the year 1559. In 1662 the preference of the nation for the second book of Edward was again manifested. The House of Commons sought to re-enact 'the original' of Edward's *second* book, and only fell back upon a book of 1604, after failing to discover the 'original' book of 1552.

Returning to the statement above challenged, it is to be noted that not a single copy was either "cancelled" or "suppressed": the books were merely detained under the plea of "certain faultes"; the real object being to enable the Royal Proclamation respecting kneeling at Communion to be added. This was done either by issuing it on a separate sheet, or, in other cases, by printing a cancel sheet containing it, after which the "suppressed" copies were issued to the public. Later editions are recognised by their giving the "Declaration on kneeling" as part of the same impression.

We come next to the Elizabethan settlement. We are told (p. 342) that the omission of all mention of the Lords spiritual from Elizabeth's Act of Uniformity did not rob that Act of sanction from what is termed on p. 305 "the *spiritual* and temporal organs of the Nation," because "the assent of the new Bishops was assumed." Now, as there were no "new Bishops" till fully nine months later, and as all the old Bishops were to a man resolute to exclude the Prayer Book, this must be admitted to be

Eliza-  
beth's Act  
of Uni-  
formity.

a curious "assumption" on the part either of "great Eliza" or of the Canon. Another assumption like unto it is the statement (p. 354) that Elizabeth's Act was "revived by the Uniformity Act of 1662. On that Act it rests." Whereas the Preface, added in 1662, to our present Book witnesses that, on the contrary, her Act has "never yet been repealed." It was incorporated as a living statute by Convocation into their revised book and subscribed as such by every member of it; and not only were some eight or ten editions of the revised book of 1552-9 printed and used after the Restoration, but proceedings were actually taken in the Ecclesiastical Courts to enforce the penalties of Elizabeth's Act during the two years which elapsed before the book of 1662 could legally take its place.

Printed  
books of  
1559 not  
enacted  
by Parlia-  
ment.

Canon MacColl is under the delusion too that some copy of a Prayer Book was "appended to the Act of Uniformity when it was before Parliament" in 1559 (p. 441); and that in this imaginary "copy" the Ornaments Rubric of 1552 had been expunged." Neither of these notions has any foundation in fact. A draft book of a totally different kind had indeed been prepared by Geste, proposing changes more "Ultra-Protestant" than the Second Prayer Book of Edward. But this draft was not even submitted to Parliament. It was decided simply to re-enact, *eo nomine*, Edward's printed book just as it "remained at his death," but with four minute *specified* alterations, described as having been made "therein," and which alone were authorised by the Act. *The Ornaments Rubric was not one of these alterations.* Hence the Ornaments Rubric of 1552 (and not that of 1549) received afresh "the authority of Parliament" in 1559. Canon MacColl suggests (p. 441) that the "other order provided for in the Act would legalise the addition of the Ornaments Rubric to the Act." Even if that were so, it would not authorise the Queen to alter the statutory text<sup>s</sup> of the Prayer Book. And the second rubric which she also unlawfully

Fraud-  
rubrics  
in printed  
books not  
legalised.

<sup>s</sup> See Lord Selborne's *Notes on the Liturgy*, p. 31.

“expunged” related neither to “ornaments,” nor to the addition of any “further rite or ceremony.” Hence it would not be covered by the words of the Act. There was at that time no “Metropolitan” to give the “advice” which the Act made a condition of any such “taking order,” and it cannot be certainly proved that any “Commissioners under the great seal for causes ecclesiastical” were in existence at the time when the new Prayer Book was passing through the press.<sup>9</sup> When the Queen did “ordain and publish” further Orders, as in the Injunctions of 1559 relating to wafer-bread and the placing of the Tables, or in the Order of 1561, removing the roods and placing the Decalogue over the Communion table, or in the Advertisements of 1566, authorising copes to be worn in sets of three in cathedrals—no alteration was made in the *text* of the Liturgy, but a public formal document was in each case issued and duly attested by the Royal Commissioners. The Tudor sovereigns held that it belonged to the Crown and not to Parliament to regulate Church matters, and in several well-known instances the “great Eliza” acted on that belief. But the point is, that such irregular action was of no force in law, and that we are bound only by what Parliament enacted: hence, as I have shewn elsewhere,<sup>9a</sup> both these fraud-rubrics inserted by the Queen into the printed book were ignored utterly, and the *unprinted* yet legal rubrics were alone acted upon.

But Canon MacColl relies on another “proof.” The Act described the alterations which it sanctioned as including “one alteration or addition of certain lessons to be used on every Sunday in the year.” But, says the critic (p. 441), “as a matter of fact, no ‘alteration or addition of certain lessons’ was made when the Act

Criticisms  
on Eliza-  
beth's Act.

<sup>9</sup> Mr. James Parker thinks “the Rubric must have been printed before the Act passed.”—*Letter to Selborne*, p. 5.

<sup>9a</sup> The Ornaments Rubric is dealt with in *Tomlinson on the Prayer Book* (pp. 47-136). The rubric as to the “accustomed place” in *Historical Grounds of the Lambeth Judgment* (p. 24) and *The Chancels shall remain, as in times past*, in a penny tract published by J. F. Shaw.



passed, or for two years afterwards." That is a ludicrous blunder. For (1) there were *no* Sunday lessons provided for the (ordinary) Sundays in the Liturgy of 1552, and (2) the Elizabethan Prayer Book of 1559, in *every known copy*, contains a new table of Sunday lessons, and (3) when the Queen in 1561 took "further order" by providing a new lectionary, no change whatever was made in these Sunday lessons of 1559.

Again (p. 441), he infers from the fact that the printed Prayer Books contained various other unnamed additions, that "the Act of Uniformity contemplated not only what had actually been done, but also what it was intended to do." This very happy thought shelters itself behind an impersonal "it." But as no two of Elizabeth's printed Prayer Books either agree with one another, or correspond with the language of the statute,<sup>10</sup> it is necessary to point out that Parliament did not enact her *printed* books or any of them, but only the Second Prayer Book of Edward with the *specified* alterations made "therein." Canon MacColl seeks to strengthen his case by asserting (pp. 440, 445) that "All the Puritans in the reign of Elizabeth, without a single exception, assumed that the Act of Uniformity and the Ornaments Rubric restored the vestments of Edward's First Book." But the statement is wholly untrue. Mr. Tomlinson, in his work on the Prayer Book, (pp. 130 to 136), has shewn that the Puritans claimed the authority of the "5 and 6 Edward VI." as being in full legal force during Elizabeth's reign, and complained that it was being set aside illegally by the Advertisements. Their point was that the *printed* Prayer Book to which they were asked to subscribe and conform did not fulfil the conditions of the Act, and that the Bishops themselves failed to act up to the requirements of the *printed* book. But they do *not* say, as Canon MacColl pretends, that the Act of Uniformity had authorised either the fraud-rubric of 1559, or the printed books which contained it.

<sup>10</sup> Clay's *Liturgies and Occasional forms of Prayer set forth in the reign of Queen Elizabeth*, Preface, pp. xii., xiv. James Parker's *History of the Revisions of the Liturgy*, p. xliii.

The Injunctions of 1559 come next in order of time, or rather they were of even date; and Canon McColl says (p. 441) that "beyond all rational controversy this [30th] Injunction refers to the ordinary garb of the clergy." But he carefully ignores the long line of witnesses published by Mr. Tomlinson in his chapter on the "Injunctions of Elizabeth," shewing that the Injunction was held to relate to Divine service and to regulate the dress of ministration. Whether it be more "rational" to trust to the official acts of the Elizabethan Primate and his suffragans, or to the lucubrations of Canon MacColl, each student must decide for himself. But it must be pointed out that the Puritans took the same view as the Bishops in this matter, and that prohibition would have arrested the action of the Ordinaries and of the High Commissioners had either attempted to set up the contradictory rule of an Injunction against the language of the statute. Canon MacColl assures us (p. 268) that certain "Interpretations of the Injunctions" were "published" by the Bishops. This, again, is quite untrue. These unfinished drafts never saw the light until Strype unearthed them in the eighteenth century; they contain incompleated proposals for alterations which were never made, are signed by no one, and no one name is responsible for any portion of their contents.

Royal Injunctions,  
1559

Interpre-  
tations of  
1561.

Turning aside for the moment from the history of the Prayer Book, Canon MacColl stops to urge that certain works of secondary and apocryphal "authority" support his contentions. Thus the Primer of Elizabeth, 1559, is adduced as sanctioning prayers for the dead. But any one who will turn to pp. 59, 67 of the Parker Society's edition will see that this was obviously a weaning process: for the outspoken language of its predecessors, given in the footnotes, is carefully abandoned, and the little which remains is studiously vague and quite applicable to the living who chose to use these forms. In 1566, as the Editor notes (Preface, p. xi.), even this modified form was also given up.

Eliza-  
beth's  
Primer.

Latin  
Prayer  
Book of  
1560.

Next we have the Latin Prayer Book of 1560 paraded. But Canon MacColl omits to notice that when Queen Elizabeth directed her Metropolitan and his brother Commissioners to "prescribe some good orders to the Collegiate Churches," respecting its use, the Commissioners were careful *not* to endorse it. The Royal Orders of 1561 dealt with the Lectionary, and ordered all Roods to be removed from the chancel screens, and directed the Decalogue to be duly displayed, but said *not one word* which might appear to sanction this Latin version. That is a good illustration of the passive resistance<sup>11</sup> by which Elizabeth's Bishops defeated the attempt of their Royal mistress in more than one instance to force them beyond the lines of "the Reformation Settlement." The so-called "translation" was in fact a grossly inaccurate and careless travesty, as the Parker Society Editor of the *Elizabethan Liturgies* has shewn at length in his preface. The result was that this book dropped still-born from the press: no second edition was ever called for: and the "Christ Church" Latin book which is referred to by Canon MacColl was a totally different version. Sparrow, Heylin and Gibson all alike admit that this publication was *not* warranted by the Act of Uniformity.

But as Canon MacColl chooses to rely on this Erastian and unauthorised "translation" (?) he might have noticed that its omission of the fraud-rubric is accounted for by its Editor, who says that "after the issuing of Elizabeth's Injunctions in July, 1559, this omission was rendered absolutely necessary."<sup>12</sup>

Royal  
Advertise-  
ments of  
1566.

In dealing with the celebrated Advertisements of 1566, it is noteworthy that he admits that the Queen edited them (p. 401) and even "authorised their publication" (p. 405), though, as an afterthought, he urges only

<sup>11</sup> The quiet re-affirmation of Article XXIX., and the insistence on desks in the nave, instead of the "accustomed place," are instances in point.—See my *Historic Grounds of Lambeth Judgment*, p. 24. Sixth Edition. (J. F. Shaw.)

<sup>12</sup> Preface to *Eliz. Lit.*, p. xxx.



"informally" (p. 407), so that though "applicable to both Provinces" (p. 414) they were merely "a set of episcopal regulations of the year 1564 [*sic*] which never received legal authority" (p. 412). This looks like "wobbling." He imagines that they were directed solely against the Puritans (p. 410), in which case we must suppose that the Puritans were bent on observing the abolished black letter saints days, or the "addition of superstitious ceremonies heretofore used" in processions at Rogation-tide!<sup>13</sup> However, he fancies he sees an argument for a "maximum and minimum" in lieu of "uniformity," seeing that the Advertisements, as he thinks, ordered the clergy to read *in church* "one chapter a day." But this again is only another of his mistakes. The object of the new rule was to ensure the *private* study of Holy Scripture "with good advisement to the increase of my knowledge." The meaning of these words is illustrated by Grindal's Twenty-second Injunction of 1571—

"Ye shall daily read, at the least, one chapter of the Old Testament and another of the New, with good advisement: and such of you as be under the degree of a Master of Arts shall provide and have of *your own*, according to the Queen's Majesty's Injunctions, at least the New Testament, both in Latin and English, *conferring the one with the other*, every day one chapter thereof at the least, so that upon the examination of the Archdeacon, Commissary, or their officers in synods and visitations, or at other appointed times, it may appear how ye profit in the study of the Holy Scriptures."<sup>14</sup>

Much is made of the fewness of the incumbents deprived during the first Visitation in 1559: "there can be no doubt that a large majority of the clergy who conformed did believe in Transubstantiation, and observed unmolested the accustomed ritual" (p. 127). Conforming Mass-Priests, 1559.

No doubt it is quite true that the Government connived at the absenting themselves of many from this first Visitation, and at that time only pressed subscription to the Royal Injunctions and to the Prayer Book with severity against the higher dignitaries. But there is

<sup>13</sup> Cardwell's *Doc. Ann.*, I.-327.

<sup>14</sup> Grindal's *Remains*, p. 129.

room for hoping that many of the R. C. clergy were not quite such scoundrels as Canon MacColl supposes. Jewel, who was himself one of the Visitors, wrote on August 1st, 1559, "now that religion is everywhere changed, the mass-priests absent themselves altogether from public worship, as if it were the greatest impiety to have anything in common with the people of God<sup>15</sup>:" "nos tamen interim illos de gradu et de sacerdotiis exturbavimus," he added later on.<sup>16</sup> Cox, Bishop of Ely, told the Primate, in 1560, that out of 152 livings "there were duly served but only fifty-two cures."<sup>17</sup> In 1562 the Bishop of Norwich reported 434 parochial incumbencies void in his diocese.<sup>18</sup> In Lancashire and other remote parts, it was long before the English service could supplant its predecessor, owing to the difficulty of procuring loyal clergymen. But it is an utter mistake to suppose with Canon MacColl that after the Marian persecution, either Protestants or Papists would consent to mix up the rites of the Mass with the Reformed services. The positive repulsion and abhorrence with which each then looked upon the central function of the other's faith and worship, can only be understood by the light of the fires of Smithfield, still smouldering in their memories. Rishton, an Oxford graduate, living at the time writes of these crypto-Roman conformists—

"At the same time they had Mass said secretly in their own houses by those very priests who in church publicly celebrated the spurious liturgy; and sometimes by others who had not defiled themselves with heresy; yea, and very often in those disastrous times were on one and the same day partakers of the table of our Lord and of the table of devils, that is, of the blessed Eucharist and the Calvinistic supper. Yea, what is still more marvellous and more sad, sometimes the priest saying Mass at home, for the sake of those Catholics whom he knew to be desirous of them, carried about him Hosts consecrated according to the rite of the Church, with which he communicated them at the very time in which he was giving to other Catholics more careless about the faith the bread prepared for them according to the heretical rite."<sup>19</sup>

<sup>15</sup> *Zurich Letters*, I.-39.

<sup>16</sup> *Ibid.*, Appendix, p. 26.

<sup>17</sup> *Strype's Parker*, I.-144.

<sup>18</sup> *Strype, Annals*, I.-i.-539.

<sup>19</sup> *Sanders' Anglican Schism*, ed. 1877, p. 267.

Cardinal Allen, another irreproachable authority, wrote to Dr. Vandevelle that—

“Not only did laymen who in heart believed rightly and heard Masses at home whenever possible, go to the schismatical churches and ceremonies, and sometimes even communicated, but many even of the priests both performed their sacred office in secret, and often on the same day celebrated in public the offices and the heretical Supper also (a great wickedness), being partakers of the cup of the Lord and the cup of dæmons: falsely persuaded that if they but kept the faith in mind, and obeyed the Prince in outward things, especially as to the singing of psalms and other scriptures in the vulgar tongue, it seemed a thing indifferent and tolerable in good people in so great a dread of the laws.”<sup>20</sup>

The “Catholic” laity were driven to church on Sundays and holidays by the fines or imprisonment inflicted under the Act of Uniformity, but behaved while there with scandalous irreverence and contempt—laughing, talking, and even walking about, during service time.

On the other hand, Canon MacColl is not able to produce one single instance of an Elizabethan clergyman, ordained under the English Ordinal, who ever wore the Mass vestments or used the Mass ornaments. Mr. Tomlinson has filled many pages of his book with extracts, ranging in date from 1559 to 1566, shewing that the clergy then wore, and were required to wear, surplice, tippet, and hood, and this, too, at Holy Communion when the surplice was *illegal* under the Rubric of 1549, which Canon MacColl supposes to have been observed by the “vast majority.” The Bishops themselves, who by the 1549 Book were required in *all* their ministrations to don the chasuble or else the cope, never once wore the “vestment,” nor any of its appendages. Nay, worse than that, Elizabeth herself never allowed the Mass vestments to be worn, even in her own chapel. If we turn to the testimony of Il Schifanoia, quoted in *Newbery's Magazine* for April, 1891, or to Rawdon Browne's *Venetian State Papers*, VII.-57, we see what her ritual was when the new Prayer Book came into use.

Expositio  
contem-  
poranea.

<sup>20</sup> *Letters and Memorials of Cardinal Allen*, by the Rev. Father Knox, priest of the London Oratory, p. 56. Compare Pilkington's *Works*, p. 630.



On Easter day, 1559, "Mass was sung in English, according to the use of her brother, King Edward, and the Communion was received in both kinds, "kneeling," the celebrant wore "the mere surplice, having divested himself of the vestments in which he had sung Mass"; nor "did he wear anything but the mere surplice (*la sempla cotta*), having divested himself of the vestments (*li paramenti*) in which he had sung Mass." The Royal Visitors destroyed and defaced the altars and the vestments, and this in London under the very eyes of the Queen and the Court. Not one witness is even attempted to be produced during those five years when, according to his theory, the Mass gear was everywhere compulsory!

Let us, however, examine Canon MacColl's witnesses.

Bodmin  
Inventory

The first named is an Inventory of Bodmin, dated 1566, which included cushions for the Mayor's chair, "three Jesus coats, two tormentors' coats, two devils' coats, whereof one is new"; also a sacring bell, which, being forbidden by the Royal Injunctions of 1547, was not one of the ornaments in use during the "second year of Edward VI." Yet all these are described as "to be used and occupied to the honour of God, in the same church."

A Somersetshire  
legacy.

Along with this is given a Somersetshire will of the year 1571, leaving "to the use of the parish church of Corff and maintenance of the same Church and Divine Service there" a cope formerly lent to that church, and "all vestments and other furniture of mine whatsoever the churchwardens have, meet for the maintenance of Divine Service there." The words in italics are omitted by Canon MacColl.

To understand this language, however, it is necessary to have recourse to the customs of the period.

Meaning  
of "be in  
use"  
1 Eliz. c. 2  
§ 25.

Under Edward VI. the Royal Visitors constantly ask the local custodians "to what Use" the ornaments had been "employed and bestowed."<sup>21</sup> Many of these goods so "employed and bestowed" had been pawned or sold.

<sup>21</sup> See *Ninth Report of the Deputy Keeper of Public Records*, pp. 235, 236.

In the *East Anglian*, New Series, Vols. I. to VI. is a long series of these Churchwardens' returns giving the sales made of ornaments and "the employments with the uses." These "uses" include "decking and adorning our church" (Thoringthonne), "mending our church" (Trymerly Marie), buying Bibles, the King's book, paraphrase of Erasmus, &c. (Estdonylande), surplices (Wrentham). At Mortlake, in Surrey, the Churchwardens answered: "Received for two altar clothes *to the use of the church* for making the pulpit and seats by consent of the parish £3. 10s."<sup>22</sup> The essential point to notice is that mere custody by the wardens is no evidence of legality, still less of ritual use. As Canon Perry says, "It is quite plain from numerous inventories of the period, that in many cases they did leave 'for use in the Church' ornaments which *it was clearly illegal and highly penal* to use if the rubric had been strictly construed by the authorities."<sup>23</sup>

Next we read (p. 448) "In the 'Life of Sir Thomas Smith' it is recorded that among the ornaments of his chapel in 1569 were 'vestment and alb for the priest: a Bible and a pair of virginals instead of an organ.'" But then, as Mr. Droop pointed out so long ago as 1877, that inventory which is found in Lipscombe's Buckinghamshire, p. 595, was not made in 1569, but was an old one then verified and possibly re-copied. Two of the items are marked "not found September, 1569." The dates of the bed-linen as marked are "never later than 1552, usually 1549." After Edward's death, Smith did not use this country house, which had formerly been a religious house for nuns: and no Prayer Book or other indication of any actual use of the Reformed service occurs. What we know of Sir Thomas Smith, as in the part he took in the "Great Debate of 1548, points decidedly to "low church" preferences on his part.

The next witnesses belong to the year 1571, viz., Zanchy Sir T. Smith's Relics Zanchy and Grindal.

<sup>22</sup> Tyssen's *Surrey Inventories*, p. 118. For other illustrations, see Tomlinson's *Pr. Book*, pp. 102-8.

<sup>23</sup> *Notes on Purchas Judgment*, p. 4.

and Abp. Grindal (pp. 416, 419); but Zanchy never was in England and only knew the facts at second-hand. His letter was sent to Grindal for presentation to the Queen; after consulting the prime minister, Grindal refused to present it, telling Zanchy that he was altogether mistaken as to his facts,<sup>24</sup> and that the surplice was worn "omni administratione." Canon MacColl, however, complains that Grindal's Injunctions of 1570 "abolished rood-screens and the crucifix." He forgets that both these had been already abolished by the Royal Order of 1561,<sup>25</sup> which ordered that "convenient crest" to be substituted which Grindal was merely enforcing. Moreover, he forgets that Abp. Parker in 1563 had given similar orders for his Province, requiring also the removal of all altars "according to the commandment in that behalf given."<sup>26</sup> The fact that both primates publicly proscribed the sacrificial vestments seems to Canon MacColl merely a proof that these things were "in use": no doubt, just as the sixth commandment proves that murder was "in use." But the steady uniform action of the Ordinaries is surely the highest possible voucher one can have for the received interpretation of the law at any given period; and against their official action Canon MacColl has nothing to offer, but his own private interpretation of what that law *must* have been.

The Long  
Parliament.

### Next

"We come to the year 1641, when a Committee of the House of Lords suggested 'whether the rubric should not be mended, where all vestments in time of divine service are now (*i.e.* in 1641) commanded which were used 2 Edward VI.' The Committee which made this suggestion consisted of ten Earls, ten bishops (including the learned Ussher), ten barons, who were assisted by some of the most distinguished divines of the day" (p. 423).

A little lower down this becomes "the bench of Bishops in 1641." But (1) the Committee in question was not the one described, but a sub-committee of "divines"

<sup>24</sup> Grindal's *Remains*, p. 338.

<sup>25</sup> Printed in Miller's *Guide to Ecclesiastical Law*. (J. F. Shaw & Co., price One Shilling.)

<sup>26</sup> *Second Report of Ritual Commission*, p. 403.



only; (2) the paper quoted from was not a "suggestion" by this sub-committee, but merely one of probably many similar representations laid before them by some persons unknown; (3) the Committee never did report, but broke up in confusion; and (4) all this was pointed out years ago by Lord Selborne in his *Notes on the Liturgy*.

An Ordinance of the House of Commons in 1644 is next quoted, declaring that "no copes, surplices, or superstitious vestments, roods or rood-lofts, or holy water font, shall be or be any more used in any church or chapel within this realm." But Heylin, who lived at the time, the Chaplain of Charles I., and the friend and biographer of Laud, ridicules these statements as untrue, and says, "As if any such things had of late been erected or permitted in the Church of England, as indeed there were not" (*Aerius redivivus*, p. 455). Nor is it true that "the Long Parliament abolished the Ornaments Rubric" as stated, p. 382. Puritanical charges in those days of passionate controversy can by no means be accepted as certain evidence. "Vestments" (*i.e.*, chasubles) had disappeared years before, so that at the Hampton Court Conference they were not so much as hinted at; and Laud himself, with his High Church colleagues, proscribed even the cope in parish churches, and not one of them ever wore, or was accused even by Prynne of wearing, the sacrificial "Vestment" in England. It is clear that the "superstitious vestments" thrown in at the tail of the the list could not mean *the* "Vestment" proper to the Mass.

It is indeed a very old device of Canon MacColl to confuse the customary generic use of the word "vestments" (*vestes*) meaning dresses of any kind, with the Chasuble. Thus on p. 420 he tells that Abp. Parker "invited the representatives of the Puritans to formulate their objections to the vestments;" and on turning to Strype's *Parker*, it turns out that the surplice was the only "vestment" named.<sup>27</sup> Again, Bucer is said to speak of Aaronic vestments, "a description which

*Vestes not  
Vesti-  
mentum.*

<sup>27</sup> *Life of Parker*, I.-329-339.

cannot possibly apply to the surplice " (p. 420). But on turning to the voucher<sup>28</sup> we find that the use of the "vestis alba" (*i.e.*, surplice) and cope are the only things mentioned. Bucer was dead, and Alasco had left England long before Elizabeth's fraud-rubric was printed; and their controversy related, not to the alb and chasuble, but to Hooper's objection to the chimere and cope. When Parker tabulated existing "Varieties in the service," the surplice and cope alone are mentioned as then being used anywhere.<sup>29</sup>

The quotation from Lambeth Fair (p. 431), if it may be taken as "proof" of anything, is evidence that at St. Paul's Cathedral the lights were used at "Mattins and Evensong," but not at Mass.

Wellow.

Under date 1704-5 an entry from a parish register at Wellow is quoted (p. 431) as shewing the existence of Vestments; but on November 16th, 1898, *The Guardian* published the fact that the paper leaves belonging to "1704-5" had merely been sewn on to an old parchment register of the sixteenth century, and were in a totally different handwriting.

"Protestant."

This is not nearly so bad as the statement (p. 358) that the Lower House of Convocation rejected the term Protestant, and that "it was dropped accordingly." So far is that from being true that the Lower House joined with the Bishops in presenting to the King, on December 12th, 1689, an Address congratulating him that "the interest of the Protestant religion in all *other* Protestant Churches, *which is dear to us*, will be the better secured."<sup>30</sup> And not content with that, on January 22nd, 1701, Convocation again addressed the King, praying for his success, "and the preserving the Protestant religion, both here in this Church of England by law established, and in all *other* Protestant Churches."<sup>31</sup>

Cosin misrepresented.

After that it is a small matter that he should attribute to "Bp. Cosin" an assertion that the "real Presence"

<sup>28</sup> Strype's *Parker*, I.-341.

<sup>29</sup> Strype's *Parker*, I.-302.

<sup>30</sup> Cardwell, *Conferences*, p. 446.

<sup>31</sup> Bp. Kennet's *Hist.* III.-845.

inheres in the unused bread and wine after consecration (p. 140) on the strength of that "First Series of Notes" which were not his at all, and in despite of the fact that in his *genuine* "Notes," and his *published History of Transubstantiation*, Cosin himself affirmed the direct contrary.<sup>32</sup> Canon MacColl censures the Privy Council Judgments on Incense (p. 449), and on Stoles (p. 433) disregarding the trivial circumstance that neither of those subjects was ever litigated before the Privy Council.

Imaginary Judgments of the Privy Council.

But a far graver misrepresentation is the statement, twice repeated (pp. 132, 164), that Heylin says the Elizabethan clergy were persuaded by Convocation to subscribe the Thirty-nine Articles "in their own sense." That statement is absolutely untrue. There are no words in Heylin at all resembling in meaning Canon MacColl's sham quotation. Heylin does mention the conformity of some dishonest papists, and reminds us that "many who were cordially affected to the interests of the Church of Rome dispensed *themselves* in these outward conformities, which some of them are said to do upon hope of seeing the like revolution by the death of the Queen, as had before happened by the death of King Edward; and otherwise that they might be able to relieve their brethren who could not so readily frame themselves to present compliance."<sup>33</sup> This sort of immorality, alas, finds defenders in the priest-partisans of our own day. Thus Professor Mason publishes to the world, under the sanction of his name and as a serious argument, that, inasmuch as the Articles were signed "by some thousands of priests, perhaps, who confessed the Roman doctrine," it is not dishonest to do so now in a sense repudiated by the imposer and by the Convocation which drew up these Articles. His reason is—

Heylin falsely alleged for non-natural subscription of Thirty-nine Articles.

"The Church had not changed her faith. The laity, for the most part, were Romanensian still—Protestants, save in London, formed a small minority. But had not the clergy changed? On the accession of Elizabeth, Convocation petitioned on behalf of the 'old religion.'

<sup>32</sup> See Tomlinson on the Prayer Book, p. 146.

<sup>33</sup> Hist. Ref. II.-295.



So did the Universities. *That the clergy were coerced into use of the Prayer Book, and ere long into subscription of the Articles, affords no proof of change.* 'Queen Mary's priests' would plead the exigencies of their position. The book of 1559 was distasteful to them, it is true—nay, for the most part, they heartily detested it, and while using it in their churches said Mass in their parlours. Since, broadly speaking, neither clergy nor laity had changed their faith, how can it be said that the Church had changed her faith, and how were the clergy, from their standpoint, guilty of disloyalty? "34

But at least these Mass-priests would not consent to desecrate their consecrated Vestments by using them at the abhorred "communion," nor, on the other hand, would the Protestant clergy bring back the associations of the "blasphemous fable and dangerous deceit" into any sort of contact with the restored "Supper of the Lord and the Holy Communion."

There is not a particle of evidence in *contemporary* writings that Elizabeth herself or anybody else desired to bring back the "compromise" of the abortive First Prayer Book which had proved so signal a failure. Strype puts into the mouth of Cecil some imaginary "Questions" which are not in the document from which he merely inferred their probable existence. The heading given by Strype to Geste's so-called "Answers" (which are not answers at all) is purely conjectural. So far as all the *evidence* goes, the Rubric of 1552 (and not that of 1549) was followed by all those who paid any heed to rubrics in the matter, the only exception being an irregular use of the cope, which was at first merely an indulgence by the Queen's Visitors while "taking order" here or there, but was afterwards legitimated by the "further order" of the Advertisements of 1566 and by the Canons of 1604. Canon MacColl attacks Mr. Tomlinson's book with considerable warmth, but in no one instance does he let his readers know what that writer's actual argument is, and he carefully misrepresents its real character. Any one who reads for himself the book which Canon MacColl comminates will fail to recognise in his account of it any desire to deal honestly with his opponent's case.

<sup>34</sup> *Bp. Geste and Articles XXVIII. and XXIX., p. 38.*

# Canon MacColl's

## "Reformation Settlement."

### A REVIEW

*Reprinted from "The Church Intelligencer," November, 1900.*

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THE "eighth edition," just out, contains replies to Professor Maitland, Chancellor Dibdin, and the Lambeth "Opinions" of the two Primates. The first-named reply has, however, been refuted by participation in our Tract 272, on "Canon MacColl's romancings about the Book of Common Prayer." No one who has read that Tract will be likely to accept his defence of the "State paper," which even Mr. Joyce abandoned in his later work, *Sacred Synods*, p. 453. The Rev. T. A. Lacey, of the C. B. S., in his pamphlet on the *Acts of Uniformity*, says it cannot be taken to have any value as evidence of fact," and "is all but demonstrably false" (pp. 16, 32).

The wrangle with Mr. Dibdin as to the date of Edward's First Prayer Book has also been sufficiently dealt with in our Tract 270, on "The True Story of the Ornaments Rubric." For though Canon MacColl is quite positive (p. 627) that "we have nothing to do with the intention of the Legislature, either in 1559 or 1562": yet the moral certainty that the Act of Uniformity (2 and 3 Ed. VI. c. 1) was intended by "the authority of Parliament in the second year of Edward VI."

is quite irresistible. The simple fact that Edward's First Statute of Uniformity was described by the *same Parliament which had passed it* as "the Act made in the second year of the King's Majesty" (5 and 6 Ed. VI. c. 1, sec. 4), and that the Elizabethan bishops in their address to the Crown described it as "set forth anno 2 Ed. VI.," and that the later Act, 8 Eliz. c. 1, sec. 2, also describes it as "made in the second year," is, by itself, quite sufficient to place the true meaning of the words beyond dispute. Yet Canon MacColl holds that whatever Parliament may have understood or intended is of no moment, if he can make it seem even probable that the Royal assent was not given to the Act before Edward's "third" year! However, as that question has been argued again and again before separate courts as well as before the Primates, it is worth while observing that no single Judge in any court has ever yet entertained the smallest doubt that the statutory Prayer Book of 1549 was and is the standard referred to.

In matters of opinion it is, of course, hopeless to expect all men to see alike ;



but on matters of fact fair-minded men ought to be able to agree, so far as evidence is forthcoming. At any rate, no man is entitled to go on repeating, as Canon MacColl does, misstatements of fact which have been challenged and which he is unable to defend. Yet this is the predicament to which he has reduced himself. In June, 1899, the Church Association published a review of what the writer called "Canon MacColl's Caricature of the Reformation Settlement." The review confined itself solely to matters of fact as to which Canon MacColl had blundered. Yet nearly every one of those same blunders is deliberately repeated in this "eighth edition" without the smallest attempt to vindicate or to excuse the statements impugned. Yet Canon MacColl says: "There is nothing in the pamphlet to answer," and that he "has not been convicted of any serious error"! In lieu of any reply, he merely writes that Mr. Tomlinson "is an impossible controversialist," and has a "craze" and a "monomania" because he thinks that "the ornaments rubric is a 'fraud' foisted into the Prayer Book without any authority" (Preface xlii).

Even if that were true, it would in no way help Canon MacColl. He has still to make good *his own* defence, and this he does not even attempt.

However, to indulge him by examining his newer statements, it may be well to point out that Mr. Tomlinson is by no means singular in holding that Elizabeth's so-called ornaments "rubric" was irregularly and illegally introduced in lieu of, and in substitution for, the statutory rubrics which had been

enacted by Parliament. Canon MacColl's own Diocesan is afflicted with the same "monomania" and "craze," which seems so lamentable to the "Canon residentiary of Ripon." In his *Popular History of the Church of England* (just published by John Murray), Bp. Carpenter says:

"The Act of Uniformity, *i.e.*, the Act which required that the same service book was to be used in every place, specified the above mentioned as the only changes, but a fact one or two others were made, and it is believed that *these ILLEGAL changes were due to the ARBITRARY action of the Queen*. It was due to her that the ornaments rubric was *illegally inserted*. . . . It is thought that the Queen, who loved pomp and ceremony, hoped that the old vestment would be revived. But this is only a conjecture, and is *not borne out by what too place afterwards*" (p. 215).

Sir Arthur Charles, the present Dean of the Arches, in his Folkestone argument on behalf of the E. C. U. (p. 321) said: "When the revisers of 1662 came to deal with the Ornaments Rubric, they had *no statutory form* to deal with. Mr. James Parker, in his *History and Revisions of the Prayer Book* (p. 345, and Preface xi), says the Rubric "rests upon very doubtful authority indeed; he speaks of "the unlawful Rubric and its "illegal character:" and in his *Letter to Lord Selborne* (p. 4) he affirms "the illegality of the Rubric from its having been inserted without authority, or rather *against the authority of the Act of Parliament*." Mr. Milto justly speaks of it as "the ill-constructed and *unauthorised* Rubric of the Book of Elizabeth" (*Church Perplexities*, p. 148). Canon Swainson, the Lady Margaret Professor of Divinity, says it was "entirely *unauthorised*" (*Historical Enquiry*, p. 14); and Lord Selborne in his valuable *Notes* (p. 7), says



it was "without any apparent authority, ecclesiastical or civil, substituted" for what he afterwards truly calls "the authorised Rubric of 1552."

Lord Grimthorpe in his celebrated letter to the Archbishop of York (p. 17) calls it "was illegally and inaccurately changed into a rubric," and the testimony of *Hook's Dictionary* (14th edition, pp. 11) is to the same effect.

From the Ridsdale Judgment Canon MacColl may learn, on the authority of Majesty's Judges, that down to 1662 was "a rubric possessing down to that date no legislative authority" (*Perry's Report*, p. 721).

Until the final revision in 1661,

Lewis tells us, in his *Reformation Settlement*, p. 485, "the old rubric was

in the book sanctioned by the Eliz. c. 2 and so had no statutory action."

Mr. Clay, in his valuable preface to the *Liturgies of Q. Elizabeth*

Parker Society, p. 14), says of the Prayer Books printed by the Govern-

ment in 1559, "All the books now under consideration go yet further from the

. . . and as in the case of the rubric of Vestments . . . on the SOLE

AUTHORITY, no doubt, of the crown, or its ministers." A long list of complaints

that Elizabeth's printed book differed from the one authorised by the Statute

given in *Tomlinson on the Prayer Book*, pp. 130-136, and that list is by no means

exhaustive. For example, he might have instanced the *Liturgical Con-*

gregator considered, published in 1660 and 1661 by Zachariah Croft, who says,

in his "Epistle to the Reader, Con- sider . . . that the book lately received

among us is greatly different from what

it was established." Yet Canon MacColl coolly asserts (p. 597), that the claim of the fraud rubric to rest on the Act of Parliament "was never disputed."

Even Bp. Cosin (the unwitting *fons et origo* of the Tractarian tradition)

apologises (*Works*, V.-438) for the twin rubric which Elizabeth also "sub-

stituted" instead of the statutory rubric of 1552, though, he admits, "the

Act of Uniformity doth not specify this alteration, or receding from the form of

the fifth of Edward VI."—which form, and not any of Elizabeth's printed

books was enacted by the 1. Eliz. c. 2.

In his "eighth edition" Canon MacColl meets this difficulty by a characteristic assertion (p. 597). He says:

"That would not invalidate its authority, for it would come under the protection of the clause which empowered the Queen, 'with the advice of her Commissioners,' or 'of the Metropolitan of the realm,' to 'ordain and publish such further ceremonies or rites as may be most for the advancement of God's glory, the edifying of His Church, and the due reverence of Christ's holy mysteries and sacraments.' That she had the assent of the Metropolitan is certain, for Parker quotes the Ornaments Rubric as a legal and authoritative regulation."

But the book had been printed six months before Parker became "Metro-

politan" or had even been made a bishop; and it is not true that Parker

ever does quote either the Ornaments Rubric, or that as to the "accustomed

place," as being "authoritative." The Elizabethan Ordinaries were very care-

ful not to quote either of these "rubrics" as altered; whereas they repeatedly refer

to the *unaltered* language of the rubric of 1552 as to the minister's

"turning him so that the people may

best hear." These words, though struck out by Elizabeth, remained the legal rule and, though no longer *printed*, were acted upon by the Ordinaries. (See *Historic Grounds of the Lambeth Judgment*, p. 24 of sixth edition.) It would seem from *Strype's Annals* that the Prime Minister had asked Parker for a list of the discrepancies between the *printed* books of Edward and Elizabeth. But this list had nothing to do with the "authoritative" or surreptitious character of those alterations, about which Cecil probably knew a great deal more than Abp. Parker could tell him. But when the Archbishop was speaking officially and with "authority" he asked in his Visitations whether the "altars be taken down" and the clergyman doth "wear a surplice prescribed by the Queen's Injunctions and the Book of Common Prayer" and told the Warden of All Souls that "Vestments and tunicles serve not to use at these days." (*Tomlinson on the Prayer Book*, pp. 47-76.)

Following up the policy of "abusing the plaintiff's attorney," which is recommended in such cases, Canon MacColl makes a further attack of a merely personal nature. He says (p. xliii) Mr. Tomlinson's

"craze has not even the equivocal merit of originality. It was started in the year 1883 by an excellent layman of some learning—Mr. Wheatley Balme. I reviewed his book in a weekly journal, and I believe convinced him of his error. Some time afterwards Mr. Tomlinson took up the discredited theory, trotted it out as a wonderful discovery of his own, and has been riding his hobby against all comers ever since."

It happens, unluckily for this theory, that Mr. Tomlinson had "trotted out"

his theory in 1878 in a pamphlet published by Marlborough, *Five Counter theories to the Ridsdale Judgment*, which is still on sale: and that Mr. Balme's view was entirely different. Mr. Balme held that Elizabeth's "fraud-rubric" had parliamentary sanction (op. cit. pp. 5, 28), though he was compelled to modify this at p. 40, where he describes it as "A rubric having the authority of the Queen, and partly not wholly of Parliament, but which, in its original sense, had never been observed by any body, and was generally ignored, even by its authoress the Queen herself." Again while Mr. Tomlinson holds that the Elizabethan clergy in wearing the surplice at communion were strictly conforming to the statutory rubric of 1552 recently re-enacted by the 1. Eliz. c. 2, Mr. Balme, on the other hand, thinks they were passively *resisting* the purely Erastian authority of that statute. He says (p. 31)—

"Elizabeth, no doubt, tried to convert the temporary proviso of the Act into a permanent rule, by inserting the rubric in the service book. But this piece of 'public worship regulation' by secular authority proved stillborn, and as absolutely inoperative as the Ecclesiastical Titles Act of our own times. . . . Nobody seems to have ever thought of conforming to it: but a mixture, perhaps, of politeness to a lady, with certainly a discreet regard to what might follow from the displeasure of one so strong-minded and strong-handed, suggested the policy of 'we never mention it' as the safest."

To take another instance, Mr. Balme says (p. 34), "The Queen's own rubric was contradictory to the Queen's own Injunctions issued the same year, 1559—there issued from the Crown, simultaneously, two contradictory rules for ministerial apparel: the rubric making



second year of Edward VI., and the function making the 'latter' year of that monarch the standard" (p. 39). Tomlinson, on the other hand, claims the Injunction as evidence of the *contemporary* enforcement by the Royal Visitors of the rubric of 1552 which one had been enacted by Parliament. Balme held that the Advertisements of 1566 lowered the ritual standard under the 25th section of the Act: Mr. Tomlinson holds that they raised the standard under the 26th section. Probably there are other points of difference: but these may suffice to show that whether right or wrong, these two writers at any rate did not "trot out" the same theory, as Canon MacColl would suggest.

Had Canon MacColl been at all desirous to know the truth, he might have been saved by the very review which he prefers to ignore from severalanders which he perpetrates in this eighth edition." Fortunately his original paging is preserved, so that the references in Mr. Tomlinson's "Caricature" may still be readily verified. For example, we are told (p. 622) that Grindal, in 1571, wantonly abolished, with "outrageous lawlessness," the crucifix on the hood-screen, and substituted a crest: but in the "Caricature," p. 20, it was shown that this had been already ordered by the Royal Order of 1561 and had been executed officially by Abp. Parker some seven years previously. On p. 660 it is suggested that the 32. H. c. 26 was not repealed till the present reign and might therefore have furnished the missing "authority of Parliament" for the Order of Communion of 1548!

Had the Canon read the "Caricature" with care he would have learned from its very first page that this Act was repealed in 1547.

He might also have learned from p. 14 that Abp. Parker deliberately *refused* to endorse Elizabeth's attempt to get the consent of "the Metropolitan" to her Latin Prayer Book of 1560. Canon MacColl states, with his usual boldness, that Parker and his fellow Commissioners "allowed the claim." That is simply untrue. By several separate and formal acts they gave the needful authorisation to the new Table of Lessons, the display of the Decalogue, the issue of articles of inquiry respecting "Varieties in the service," and finally to the "good Orders decreed" in the Advertisements of 1566. But *never once* do they sanction the Latin Prayer Book.

Still less candid is the pretence put forward by Canon MacColl, pp. 628 and 649, that the anonymous and unauthorised "translation" (?) of 1571 was "contemporary" or had anything whatever to do with the Elizabethan book. That pretence is sufficiently exploded in our Tract 272, but it serves to indicate Canon MacColl's eager desire to mislead the ignorant. He goes yet further. He says (p. 704) that "Some" of the Latin Prayer Books published during Elizabeth's reign "though published '*cum privilegio regie majestatis*,' made serious omissions, including the Ornaments Rubric." But he omits to mention that Elizabeth's own edition omitted it too; and that Mr. Clay, the editor of the *Liturgical Services of Queen Elizabeth*, says this is explained by the fact that "after the issuing of Elizabeth's In-



junctions in July, 1559," this omission "was rendered absolutely necessary." This was pointed out on p. 14 of Tomlinson's "Caricature," yet is calmly ignored by the "Canon residentiary." Again, the fact that Elizabeth's Act (1. Eliz. c. 2) forms part of our present Prayer Book is denied. "It was not part of the book," says Canon MacColl (p. 705). The facts are that

(1) While the proclamation of James was struck out, the 1 Elizabeth was kept in.

(2) That a series of amendments to the Act was proposed in the Committee of Revision, 1661, and, after debate, were ultimately rejected (Parker, *Hist. Revis.* p. 111).

(3) That the statute itself was copied out in the MS. "annexed" to the last Act of Uniformity, and entered as Number 1, in its Table of Contents.

(4) That the pages of the MS. were carefully numbered and then subscribed, under that enumeration, by every member of Convocation, so as to *include* the reprinted Act of Elizabeth, which moreover received in Convocation the additional description, by a fresh insertion with the pen, of "primo Elizabethæ."

Thus the proof is superabundant that, in 1661, the Sacred Synod deliberately decided upon retaining the 1. Eliz. c. 2, as the standard which, as the new Preface then added to the Prayer Book states, had "never yet been repealed."

An amusing instance of "thoroughness" is the pretence that when the Venetian Ambassador was describing the changes effected by the English Reformers, and mentioned that "they use bells and organs but neither altars nor images, nor waters nor fires (*non acque, non fuochi*), nor other Roman ceremonies"—he was referring to the tinder box in the vestry used once a year to renew the sacred fire which had been extinguished by Holy Water! That is

surely a comic exegesis. The ambassador was not referring to Easter ceremonies at all, but to the ordinary face of public worship, in which the disuse of holy water, and of lights "before the sacrament" and before the images would naturally strike a Continental Catholic as being marked innovations. The votive offering of lights to objects of worship was in England connected with the thought of sacrificial "Fire." John Burgh, Chancellor of Cambridge in the fourteenth century, quotes Levit. vi.-13, as a reason why priests should not celebrate Mass "*sine igne, i.e., sine lumine*"; and Polydore Vergil, just before Edward's Prayer Book issued, said, "we in our masses have ever a taper burning because, without *fire*, 'no sacrifice can be offered.'" Canon MacColl's method of getting out of this is characteristic. He begins by saying, "the Ambassador writes according to the reckoning of that time, under the date 1548": whereas he really wrote in May, 1551, and his reference to the abolition of "altars" proves that 1548 could not possibly be intended as "altars" were then standing in every church. This substitution of a wrong date is intended to link the word "waters" with Cranmer's Visitation Articles of 1548, asking "whether on Easter Even, last past, they hallowed the font, fire, or Paschal." After the word "font" Canon MacColl inserts the words "for holy water." Having done this he next calls the holy water vats or stones "Fonts." But unluckily for this carefully compiled and far-fetched theory the "Hallowing of the Font on Easter Eve" related to the baptismal font and had nothing whatever to do with the u

Holy Water. It is fully described in Massey's *Ancient English Holy Week Ceremonial*, p. 238, and arose out of the custom of baptizing large numbers on Easter eve.

His brother-Canon, Knox-Little, in citing Cyprian, altered the word "sacrifice" into "sacrament" in order to create an argument against Evening Communion (see *CHURCH INTELLIGENCER*, 1883): and here we have, at p. 581, the same fraud repeated, but in inverse order. Where the Spanish Ambassador reported to Philip of Spain that Elizabeth professed to him to believe that "God is present in the Sacrament" ("*porque creyera que Dios estava en el sacramento*") Canon MacColl renders it "Sacrifice," and three pages further down he says that at her Coronation Elizabeth received the Eucharist, but only in one kind." This is flatly contradicted by the Spanish Ambassador who reported: "By the last post I wrote to your Majesty that I had been told that the Queen took the holy sacrament '*sub utraque specie*' on the day of Coronation, but it was all nonsense. She did not take it at all." (Hume's *Spanish State Papers*, I.-25).

To get rid of the inconvenient witness of the Lincolnshire Visitation of 1565 recorded in Peacock's book, it is calmly stated (p. 635) that it "dates from the reign of Edward VI." (which is not even mentioned) and so "has no bearing" on Elizabethan usage!

It is impossible to compress within the limits of our space even a bare enumeration of Canon MacColl's blunders. But it is contention that the whole official administration under Elizabeth was in

direct violation of the Queen's wishes and of the law, is so extravagant and so inherently absurd that it deserves especial mention. Thus we are told (p. 621) that "episcopal visitations are entirely valueless as evidence. The bishops of the first decade of Elizabeth's reign, with a few exceptions, paid no heed whatever to any laws they disliked." What the Ecclesiastical Commissioners "did was to endow their own prejudices with the attributes of law, and then proceed to break the law in the name of 'public authority'" (p. 624). "They exalted their own prejudices into law, and set the law of the land at defiance whenever and wherever they could—even men so eminent as Bp. Jewel and Abp. Sandys" (p. 681). Even Abp. Parker, "a scholar, an archæologist, and a man of taste, yielded so far to the stupid fanaticism of the Puritans, in the hope of conciliating them, as to aid in destroying chalices, patens, candlesticks, vestments" (p. 686).

One wonders who were the "few exceptions" whom history has forgotten to record. When one remembers that it was as Royal Commissioners these people were acting, and that the then Judges of the land were, like the Queen, alleged to be in favour of the "old religion" which had been professed by the majority of the Elizabethan clergy, that the Reformers were but a "*pusillus grex*" as we are told (p. 590), and that no man could be deprived of his freehold by bishops in despite of the protection of the Temporal Courts which could always prohibit the Ecclesiastical Commissioners, and frequently did so,—it must be admitted that Canon MacColl makes large drafts upon



our credulity. Where were the people who are alleged to have preferred the First Prayer Book of Edward VI.? What becomes of the alleged "Catholic instincts" of the Queen who bullied her bishops into servile submission? The more it is looked into, the more it will become evident that the theory that mass vestments and mass ritual were *compulsory by statute law*, yet were *everywhere* ignored and disused by the entire clergy (so that even in Elizabeth's own private chapel the sacrificial vestments were *never worn*), is too improbable to be lightly admitted as proven in the absence of that evidence which Canon MacColl has vainly tried to manufacture, but which Mr. Wheatley Balme (though a member of the E. C. U.) was too honest to pretend to believe. Two of Canon MacColl's fallacies have been dissipated in advance: the pretence that the Act 1. Ed. VI. c. 1 authorised the Order of Communion of 1548 has been disproved by Canon Bright

in *The Guardian* of January 3rd, 1900 and the ridiculous misrepresentation of both the Elizabethan bishops and of the Queen as to the Crucifix have been long ago exploded in our booklet on the *Crucifix at St. Paul's and Queen Elizabeth's crucifix, its secret history and real meaning*. We invite a comparison of these cheap manuals with Canon MacColl's more pretentious representations. It is only by an ingenious shuffling of dates and a wilful ignoring of vouchers, that he contrives to make out the pretence that Elizabeth threatened to deprive the bishops if they did not admit the crucifix: whereas, as Mr. Wheatley Balme says, the Queen was compelled to *yield* to the passive resistance of the bishops; and her pretended desire for the crucifix was altogether unreal and merely formed part of her statecraft in humbugging the Spanish Ambassador, as he himself afterwards bitterly complained.

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# “A NOTABLE DISPUTATION OF THE SACRAMENT IN THE PARLIAMENT HOUSE,”

HELD IN “THE SECOND YEAR OF KING EDWARD THE SIXTH,”

*on December 15th, 17th, and 18th, 1548.*

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AMONG the MSS., formerly in the possession of Abp. Cranmer, which have found their way into the British Museum, is the “MS. Reg. 17. B. xxxix.” which contains the report of a great Parliamentary debate held within the walls of the House of Lords, and in the presence of the Commons of England, during three days in December, 1548. On the following day, viz. December 19th, 1548, the Bill for substituting the English Prayer Book in lieu of the Sarum and other Latin Uses was introduced. The document is probably the earliest known specimen of Parliamentary reporting, and the following reprint (at p. 25) gives verbatim, and page for page, this unique *précis*, for a knowledge of which the Church of England stands indebted to Dr. Gasquet and his colleague Mr. Bishop.<sup>1</sup> None of the text-books, not even the most recent which deals with the history of the Prayer Book, has yet done justice to this “new light.” A few words of explanation will therefore not be out of place, especially since certain expressions used in the Debate appear to have been misunderstood.

Cranmer, we know, was the chief editor and compiler of the Book of Common Prayer. In 1532 he was residing in Nuremberg, as chaplain to the English ambassador, and lodged in the house of Osiander, who, with Brentz, was just then completing a “Church Order,”<sup>2</sup> published in the following year, for use in that city. Sir Thomas

<sup>1</sup> *Edward VI. and the Book of Common Prayer.* (Hodges.)

<sup>2</sup> Dr. Jacobs' *Lutheran Movement in England*, p. 47. (Philadelphia: Frederick.)



Elyot, the English ambassador, reported to the Duke of Norfolk, under date March 14th, 1532, that "Mr. Cranmer" was then taking notes of the reformed Mass peculiar to Nuremberg.<sup>3</sup> Cranmer subsequently married Osiander's niece, and continued to maintain with him a correspondence after his own return to England. The so-called "*Catechism*," which Cranmer published here in 1548, was in reality a direct translation from this very Kirchen-Ordnung of Nuremberg-Brandenburg which had appeared for the first time in 1533, and was afterwards frequently reprinted. Dr. Gasquet and Dr. Jacobs have shown how greatly indebted the "First Prayer Book of Edward VI." was to this Nuremberg form. (See also Procter, p. 39.) In fact, many passages which have been referred to the Mozarabic or other "ancient"<sup>3a</sup> Liturgies were taken *directly* from this vernacular Lutheran service book. After his appointment to the Episcopate, Cranmer's energies seem to have been specially directed toward Liturgical reform. During the reign of Henry VIII. he had taken the leading part in framing the "*Institution of a Christian Man*" of 1537, and he had perhaps the chief toil (though he was no longer the leading spirit) in revising its reactionary successor, the "*Necessary Eru-dition*" of 1543. In preparation for the latter work,

<sup>3</sup> Brewer's *State Papers of Henry VIII.*, Vol. V., p. 410. Ellis' *Original Letters*, 3rd Series, ii.-192.

<sup>3a</sup> The statement made during the Debate that "the Mass of James cannot be shewed" (*fol. 10a.*) is borne out by Bp. Watson, who, in his "second sermon" before Queen Mary in 1554, said, "I never redde St. James his work myself, nor I think, it be not *nowe to be hadde*." ("*Two notable Sermons*," W. iii., reprinted also in Crowley's reply in 1569, p. 129. B. M. 697. g. 17.) Mr. Hammond says that Ducas printed St. James' Liturgy in 1526, and so say Palmer, Neale, Trollope, and Daniel. But Ducas' work did not, in fact, contain that Liturgy. (See Swainson's *Greek Liturgies*, p. ix.) Nor did Bessarion's work contain either the Clementine or the Jacobean liturgies; yet his scanty extracts given in Latin furnished the only vouchers to the speakers in this Debate. The reference to "Clement" (*fol. 9a.*) is a mistake for Chrysostom. Burbidge, p. 195, admits that Cranmer probably knew nothing of the Clementine Liturgy.

Cranmer, as Primate, issued a series of Questions on the Sacraments to each of the bishops, which are of interest as illustrating the similar methods used in the compilation of our "Prayer Book." The questions of the Primate and the answers of the Prelates, as given in 1540, may be seen in Burnet,<sup>4</sup> Strype,<sup>5</sup> and in the Parker Society's edition of Cranmer's Works.<sup>6</sup> After those replies had been received, Cranmer made a synopsis of the "agreements" or disagreements of the respondents, under each head. This "book of the agreements" (which the Cotton MS. heads "*Book of Doctrine*") is preserved both at Lambeth<sup>7</sup> and in the British Museum.<sup>8</sup> The "agreements" were written out both in Latin and in English. The Cotton MS. is said in the Index to be in Cranmer's "own hand"; but in the Lambeth version the replies have evidently been copied out by a clerk, since Cranmer wrote out a second time, with his own hand, the exact terms of his subscription, before appending his signature to his own answers. In the Lambeth Catalogue (p. 255) this document is described as a "Recapitulation or representation of the Agreement or disagreement of the preceding answers." This becomes interesting from the fact that a similar plan appears to have been pursued before proceeding to draft the Prayer Book of 1549. A series (or rather, three or four successive series) of questions were sent out by the Primate, the earliest of which Dr. Gasquet dates before February 3rd, 1548, because the first four questions were answered by Barlow as "Bishop of St. David's," which see became vacant on that date.

On the other hand, the latest of the sets of queries must have been some long time prior to September 9th, 1548, because on that date Bps. Thirlby and Goodrich,

<sup>4</sup> *History of the Reformation*, I., ii.-314: i.e. iv.-443 of Pocock's edition. See Eccl. Courts Com. Report, I.-134. Dixon, *Hist. Ref.* II.-303.

<sup>5</sup> *Memorials of Cranmer* (Eccl. Hist. Soc.), I., 174-9 and 417.

<sup>6</sup> Vol. II., p. 115.

<sup>7</sup> No. 1108 (*Stillington MSS.*).

<sup>8</sup> *Cleopatra*, E. 5. (*Cotton MSS.*).

as well as Drs. Robertson and Redmayn, communicated at the consecration of Bp. Ferrar, when "the consecration" of the sacrament, as well as the words of distribution, were in the "vulgar tongue."<sup>9</sup>

Now we know that among the *latest* in date was the question—"For what cause were it not expedient nor convenient to have the *whole* Masse in th'English tongue?"<sup>10</sup> To that question Cranmer had replied, "I think it convenient to use the vulgar tongue in the Mass, except in certain secret mysteries, whereof I doubt;" and even Ridley then thought that what "pertaineth to the consecration should be spoken in silence" (*i.e.* uttered in a low voice, as before).<sup>11</sup>

These prejudices must have been finally abandoned early in the year 1548: for, so early as May 12th, 1548, at Westminster, "the Mass (was) sung all in English, with the consecration of the sacrament also spoken in English," the sermon being by the king's chaplain. At St. Paul's the "quire with divers other parishes in London song all the service in English, both mattens, masse, and evensong."<sup>12</sup> Before June 18th, Gardiner, Redman, and Robertson were summoned to London by the Privy Council.<sup>13</sup> On June 28th, 1548, the Protector Somerset writes to Bp. Gardiner that the "questions and controversies concerning the sacrament of the altar and the Mass rest *at this present in consultation*, and with the pleasure of God shall be, in small time, by public doctrine and authority quietly and truly determined."<sup>14</sup>

<sup>9</sup> "Consecrata, in lingua vernacula, sacra Eucharistia . . . distribuit in verbis Anglicis."—*Cranmer's Register*, fol. 327 b.

<sup>10</sup> *Parker MSS. Corp. Christi Coll.*, No. cv., p. 230.

<sup>11</sup> Burnet, *Hist. Ref.*, II., ii.-209.

<sup>12</sup> *Wriothesley's Chronicle*, Camden Soc., II., 2.

<sup>13</sup> *Original Letters*. Parker Soc., p. 264.

<sup>14</sup> Burnet, II., ii.-219. Near the close of July, Thirlby, Bp. of Westminster, returned to England, too late to take part in answering Cranmer's written questions. Cranmer's *Catechism* was published before August 18th. (*Original Letters*, 381.) Convocation stood prorogued from March 15th to November 4th. Wilkins, iv.-26, 32.



On September 4th the Protector wrote to the Vice-Chancellor of Cambridge

"That you and every of you in your colledges, chapels, or other churches, use one uniform order, ryte, and ceremonyes in the masse, matens, and evensonge, and all other dyvine service in the same to be said or songe, such as is presentlie used in the King's majestie's chapel, and none other. The which for the more plain information we have by this berer sent unto you." (*Corpus Christi Coll., Cambridge, MSS. Vol. 106, p. 493.*)

Hence, as Dr. Gasquet remarks, "it is clear that before September, 1548, services were already drawn up and in use, the main parts of which corresponded with those subsequently enforced in the Book of Common Prayer."<sup>15</sup> On September 9th, 1548, Ferrar was consecrated by Cranmer, Ridley, and Holbeach; Bps. Thirlby and Goodrich, with Drs. May, Haynes, Redman and Robertson, "*et aliis*," being among the communicants. Every one of these, save Haynes, had taken part in replying to one or other of the series of liturgical questions sent out by Cranmer. Chertsey, the scene of Farrar's consecration, is near to both Oatlands and Windsor, at one or other of which places the King was staying during the month of September, 1548; it may well be, therefore, that these Divines were then employed in conferring (at Chertsey) on the subjects of their previously written answers. On September 23rd, 1548, a Royal proclamation issued from Windsor notifying that the King was determined

"To see very shortly one uniform order of Divine service throughout this his realm, and to put an end to all controversies in religion . . . for which cause *at this time* certain notable learned men, by his Highness's commandment, are congregate."<sup>16</sup>

This corresponds with the entry in Edward's diary, "a number of bishops and learned men gathered together in Windsor,"<sup>17</sup> the King adding, "there was a notable Disputation of the Sacrament in the Parliament-House," *i.e.* the very Debate printed below. Ridley when writing to Hooper described "the composers" as being "the arch-

<sup>15</sup> Gasquet, 147.

<sup>16</sup> Cardwell's *Doc. Annals*, No. xiii.

<sup>17</sup> Burnet, II., ii.-8.

bishop with his company of learned men thereunto appointed by the King his highness" . . . "the company appointed of learned men."<sup>18</sup> Cranmer also speaks of them as

"A good number of the best learned men reputed within this realm, some favouring the old, some the new learning, as they term it (where indeed that which they call the old is the new, and that which they call the new is indeed the old); but when a great number of such learned men of both sorts were gathered together at Windsor, for the reformation of the service of the Church, it was agreed by both, without controversy (not one saying contrary), that the service of the Church ought to be in the mother tongue."<sup>19</sup>

The point of "agreement" thus mentioned by Cranmer illustrates what is meant by "an agreement on points" which Somerset says was the method actually pursued. Writing to Cardinal Pole on June 4th, 1549, the Protector speaks of the consultants "as well bishops, as other equally and indifferently chosen, of judgment not co-acted with superior authority, *nor otherwise invited*, but of a common agreement among themselves."<sup>20</sup> The two accounts may be reconciled by supposing that Somerset is speaking of the written answers to Cranmer's questions; the "common agreement" having been elicited from those separate replies by Cranmer in a written summary similar to that which remains to us in the case of the older revision of 1540. Such a *précis* would form a book of "doctrine;" even as the Cotton MS. describes the "agreements" of 1540 as being "Questions of doctrine." When Somerset, during the Debate in Parliament, speaks of "the bishops' consulta-

<sup>18</sup> *Bradford's Works*, Parker Soc., II., 387-8. Compare "proceres synodum episcoporum convocarunt" (*Epistolæ Tigurinae*, p. 417), words which written from Strasburgh by a private citizen, in October, may well refer to the Chertsey gathering in September, when, as the *Greyfriars' Chronicle* said, there were "divers of the bishops at Chertsey Abbey for some time for divers matters of the King's and Council." (*Monumenta Franciscana*, II., 217.)

<sup>19</sup> *Cranmer's Letters*, Parker Soc., p. 450.

<sup>20</sup> *Pocock's Troubles connected with the Prayer Book of 1549*. Camden Soc. Pref. x.-xiv. It is calendared in the S. P. Dom. of Ed. VI., vol. vii., and was first printed in 1863 by Canon T. W. Perry.

tion for unity" (*infra*, fol. 5b.), we are carried back to his letter to Gardiner of June 28th, 1548, in which he had spoken of the controversy at that date as "resting in consultation;" just as his reference to the people "naturally expecting decisions of causes litigious," is illustrated by Traheron writing in London on September 28th, that "Latimer has come over to our opinion respecting the true doctrine of the Eucharist, together with the Abp. of Canterbury and the other bishops, who heretofore seemed to be Lutherans."<sup>21</sup> This change on the part of the bishops had but recently come to Traheron's knowledge, for on August 1st he had been complaining both of "Canterbury" and of Latimer. It is clear that news of the "agreements" arrived at in Chertsey must have leaked out meantime. Somerset described to Pole two stages—"first, *agreement* on points, and then the same coming to the judgment of the whole Parliament."<sup>22</sup> "The book of their agreements" mentioned in the Debate (fol. 5b.) would naturally be a classified summary of their opinions (possibly with their votes recorded) on the several "points of agreement." Possibly, too, it was to this same "book of the doctrine" that Holbeach referred, when he said in the Debate (fol. 9b.)

"These are the three *points*—

- (1) The real presence in the sacrament.
- (2) Whether evil men receive the body, or no.
- (3) The Transubstantiation."

For, Bp. Rugg similarly recites them (fol. 8a.) as "the three things that are treated upon." The "subscription" to which Thirlby referred (fol. 6a.) was a *future* subscription, to which, he said, certain "considerations" were even then "moving him"; and, in fact, he kept his bishopric after his co-religionists had been deprived, in spite of the "two great sticks" which at first caused him to oppose the "alteration."

Dr. Gasquet imagined that "the book of their agreements" which was read in the House of Lords (fol. 5b.)

<sup>21</sup> *Original Letters*, Parker Soc., 322.

<sup>22</sup> *Pocock's Troubles*, p. x.



was a draft of the new Prayer Book, to which he conjectures that the bishops must have subscribed their names at some meeting (also conjectural) supposed to have been held in October. These guesses, however, are not merely gratuitous, but highly improbable. We know that the mere reading aloud of the Prayer Book occupied three days when the House of Lords chose to go through that process in 1662;<sup>23</sup> whereas the present Debate shews that the contention in 1548 related exclusively to points of doctrine involved in certain changes from the Latin Mass (which had remained in use throughout the year 1548) to the new Reformed Communion Office (of 1549) which was about to supplant it.<sup>24</sup>

It will be seen that every one of the objections and criticisms raised during the debate by the Roman party dealt with "alterations" from the Missal itself. This last was "the book" from which, they said, had been "left out" the Adoration, the Elevation, and the Oblation of the Host. Nobody at the time ventured to gainsay this. Indeed, the Privy Council entered on their minutes, that "as for the honour and adoration of the said Sacrament Scripture teacheth not that it was institute to that use, *neither doth the King's Majesty's proceedings allow the same.*"<sup>25</sup>

When the Prayer Book was shewn to GARDINER for the first time in June 1550,<sup>25a</sup> he, too, said that, "notwithstanding the *alteration*," he could agree to it, though "he would not have made it after that form."<sup>26</sup> The Royal Injunc-

<sup>23</sup> Parker, *Hist. Revis. Pr. Book*, p. 464.

<sup>24</sup> In the second day's debate it appears from a statement of the Lord Protector, that Bp. Day had "refused to agree for that in Confirmation there was *left out* Oil in the forehead," *fol. 5b*.

<sup>25</sup> *Dasent's Acts of the Privy Council*, Sept. 29, 1550, p. 133. In "*The olde faith of great Brittain* . . . a simple instruction concerning the Kinges Maiesty's proceedings in the Cōmunyon," published during the Devon rebellion, we read, "This is also the mind of the ancient Catholic fathers, to receive it as a memorial of his death, and not to eat it thinking or believing him to be there really." (*Brit. Mus.* "C. 21. a. 44.")

<sup>25a</sup> *Dasent's Acts of the Privy Council*, iii. 48.

<sup>26</sup> Foxe, *Acts and Mon.*, Ed. 1846, vi. 114, 160.

tions of 1547 (No. 19) had spoken of the King's intention to "transpose" the Liturgy, *i.e.* to change the order of the several parts; and these "transpositions," with the omissions, naturally constituted the greatest and most important "alterations" complained of by the Conservatives in 1548. Dr. Gasquet in quoting it (p. 55) left out this important word "transposed."

Bp. TONSTAL, who was the first of the bishops to speak, said "the Mass *used to be* called so."<sup>27</sup> This seems to have puzzled Dr. Gasquet and Mr. Bishop, who fail to note the importance of the point raised. Tonalst was complaining of the *alteration* in the Title of the new service. "Lord's Supper, what *new* term is that?" said a bishop to Latimer.<sup>28</sup> Tonalst's remark virtually meant, "If you still mean the Mass, why don't you continue to call it so?" For, in the new Prayer Book the title "Mass" was treated as a vulgar misnomer, like the "vulgo dicebatur" of Art. XXXI. Tonalst's next objection was, "The adoration is *left out* of the book" (*fol. 1a.*), and this charge could not be denied.

BONNER said (*fol. 7b.*), "The faults in the book are these: There is heresy because it is called bread." That was a direct reference to the new Prayer of Consecration, which had interpolated "these Thy gifts and *creatures* of Bread and Wine that *they* may be unto us the body," &c. This new form, as Bonner saw, involved a denial of Transubstantiation by assuming that what was "bread," could at the same time be the body of Christ.

The Protector, at the outset, had put the bishops "in remembrance of the order taken, which was *only to talk of the Consecration*" (*fol. 1a.*). The strict pertinence of Bonner's criticism is apparent on contrasting the old language with the new.

<sup>27</sup> Debate, *fol. 1a.* Compare *The Lord's Day and the Holy Eucharist*, p. 121.

<sup>28</sup> Latimer's Sermons, p. 121. In the temporary "Order of Communion" of March 8th, 1548, "the Mass" was spoken of *sans phrase*, and was retained, both name and thing; whereas "the time of High Mass" in the Royal Preface to the Homilies, as published in 1547 and 1548, was changed in the edition of 1549 to "the celebration of the Holy Communion." (Brit. Mus. "C. 25. g. 12.")

## The Sarum Missal.

## Common Prayer, 1549.

[Here again let him look at the Host, saying:] Which oblation do thou, Almighty God, we beseech thee, in all things vouchsafe to make bles+ed, adm+itted, rati+fied, reasonable, and acceptable,

Hear us, O merciful Father, we beseech thee, and with thy Holy Spirit and word vouchsafe to bl+ess

and sanc+tify these thy gifts  
and creatures of bread and wine

that it may be

that THEY may be

MADE

to us the Bo+dy and Blo+od  
of thy most beloved Son, our  
Lord Jesus Christ.

unto us the body and blood of  
thy most dearly-beloved Son  
Jesus Christ.

Bonner's objection was in harmony with Day's proposed amendment—"Also in the prayer of the Communion where it is written, '*That it may be unto us,*' &c., he would have 'Be MADE unto us'" (*fol. 5b.*).<sup>29</sup> DAY desired "also to have certain words *added* after the Consecration, which *were*: '*That the sacrifices and oblations,*' &c."

The words omitted from the Sarum Missal<sup>30</sup> had given place to entirely new language as to "our sacrifice of praise and thanksgiving . . . and here we offer and present unto Thee, O Lord, ourself, our souls and bodies," &c.:—"thus adding," says Canon Estcourt,<sup>31</sup> 'to the condemned doctrine of the Mass being only a sacrifice of praise and

<sup>29</sup> When these words were "mis-taken" by Gardiner, who argued from them that Christ's body was "in that order exhibited and made present unto us, by conversion of the substance of bread into his precious body," Cranmer replied, "In the book of the Holy Communion we do not pray absolutely that the bread may be MADE the body and blood of Christ, but that *unto us* in that holy mystery they may be so" (*On the Lord's Supper*, p. 79). Hence the change of language in the Consecration Prayer of 1552, which is that of our present Prayer Book, and suggests no such ambiguity.

<sup>30</sup> The seven sacrificial prayers omitted in 1548 are enumerated by Dr. Stephens in his speech in *Sheppard v. Bennett*, p. 215.

<sup>31</sup> *Anglican Ordinations*, p. 322. See also Newman's Preface to *Hutton's Anglican Ministry*.



thanksgiving, the other idea of the Christian sacrifice consisting in the offering of ourselves as a reasonable service. Now these ideas, be it observed, were advocated by Luther, for the very purpose of denying that there is any priesthood under the Gospel besides that common to all Christians."

Writing six months afterwards to Cardinal Pole, the Protector admitted that "many, both of bishops and other learned men . . . at the first did much repine," and this, be it specially observed, on account of omissions—"things which be NOT in that book."<sup>32</sup> A vague understanding seems to have been hinted at that "though many things want in the book, yet they are agreed to be treated on afterwards"<sup>33</sup> But all parties recognised that "omission was prohibition," and that the Reformation had consisted in eliminating from the Missal such accretions as were regarded by the Reformers as being unscriptural.

The speakers in the Debate were three laymen, SOMERSET (Dominus Protector), the EARL OF WARWICK (afterwards Duke of Northumberland), and Mr. Secretary SMYTH, who afterwards acted as Chairman of the Company of Revisers under Elizabeth. With them were Cranmer (*Canterbury*), Ridley (*Rochester*), Holbeach (*Lincoln*), Goodrich (*Ely*), and Barlow (*Bath*).

The defenders of the Missal were Tonsal (*Durham*), Bonner (*London*), Heath (*Worcester*), Rugg (*Norwich*), Aldrich (*Carlisle*), Skyp (*Hereford*), Thirlby (*Westminster*), and Day (*Chichester*); all of whom voted against the Prayer Book. Kitchin, of Llandaff, also spoke against the Prayer Book, but (with the same time-serving spirit which characterised his action under Elizabeth) he abstained from voting against it. On the other hand, Bird, Bp. of Chester, gave his proxy for the retention

<sup>32</sup> Pocock, *Troubles, &c.*, Preface, pp. x., xiv. Edward, in his reply to the Devon rebels, July 8th, 1549, said, "it seemeth to you a new service, and indeed is none other but the old. The self same words in English, which were in Latin, saving a few things TAKEN OUT." (Fox, *Acts and Mon.*, v., 734.)

<sup>33</sup> *Debate*, fol. 6a.

of the Missal. Sampson (*Lichfield*), alone took the Lutheran view, and voted for the Prayer Book, though his inconsistent utterances<sup>33a</sup> shew a confusion of thought which is almost modern (see *fol.* 8a., 13b., 29a.). Ferrar was absent for some unexplained reason, but when it came to the voting, King, Bp. of Oxford, and Wharton, Bp. of St. Asaph, voted with the Reformers. Gardiner was in prison, and the leadership of the Roman party fell in his absence to Thirlby, whom Henry VIII. used to call "an inferior Gardiner,"<sup>33b</sup> and respecting whom this anecdote is preserved:—

"When the disputation was ended, the Protector accosted the King with an expression of his surprise, saying, 'How very much the Bp. of Westminster has deceived my expectation.' 'Your expectation,' the King replied, 'he might deceive, but not mine.' When the Protector further inquired the reason, 'I expected,' said the King, 'nothing else but that he, who has been so long time with the Emperor as ambassador, should smell of the *Interim*.'"<sup>34</sup>

The Jesuit Parsons, in his "Three Conversions of England,"<sup>35</sup> said "Cranmer stood so resolutely for the carnal presence in the Sacrament in King Edward's first Parliament, wherein a disputation about it was continued for the space of four months; that is from November 4th to March 14th." It will be seen that no part of that statement was correct. On the contrary, the most remarkable feature of the Debate is the clearness with which all the Reforming bishops<sup>36</sup> denied any reception whatever of the

<sup>33a</sup> He had vacillated similarly in 1539. Dixon, ii.-142.

<sup>33b</sup> Dixon, ii.-284.

<sup>34</sup> *Original Letters*, p. 646. Under Elizabeth, Jewel reports "no one more keenly opposes our cause than the Bp. of Ely (Thirlby) who still retains his seat in Parliament." (*Zurich Letters*, P.S., I. 20.) He and Aldrich voted also against the second Prayer Book, and were the only bishops who did so. Martyr wrote, Jan. 22nd, 1549, "Many things have been determined in our Parliament respecting religion, but with such obstinate opposition from certain bishops as no one ever expected would be the case." (*Original Letters*, 477, 479.) Thirlby was thought to be intriguing with France for Elizabeth's deposition. (*Spanish State Papers*, pp. 66, 85.)

<sup>35</sup> Pt. ii. cap. 12, § 33, p. 609. Cited by Strype, *Memorials of Cranmer*, iii.-38.

<sup>36</sup> Dr. Redman, who was one of the "notable learned men"

body of Christ by the wicked. The 29th Article was invented by Abp. Parker in 1562 to serve as the test or touchstone of Eucharistic doctrine. But long before Parker's time, at the very outset of the doctrinal Reformation, we have here the same explicit avowal that the only "presence" in the Eucharist is a presence within the heart, by blessing, grace, and virtue, wrought within fit recipients by the power of the Holy Ghost, and promised to persons (not to things) in that appointed *use* of the Ordinance which was "ordained by Christ himself." On the other hand, the men of the "old religion" (as they termed themselves), contended that a "presence" was produced within each portion of *matter* (whether *used* or not), which had once been "consecrated" by certain words, or acts (or by a combination of the two) whenever the officiating Priest "intended" that result to take place. Thus, before Alasco<sup>37</sup> could have influenced Cranmer's native convictions; and long before the Second Prayer Book was "in consultation," we find the advocates of the Prayer Book possessed by a belief which transferred the seat of the Divine "presence" from the lifeless elements to the human recipient. Cranmer's language during the Debate (*fol.* 3a., 15a.) and Ridley's (*fol.* 14b.) show this very clearly.

Bp. HOLBEACH acutely remarked (*fol.* 4b.) as to "whether the body is in the sacrament or in the receiver," that "the Apostles ate and drank *before* Christ consecrated:" a remark, by the way, made long before by Tertullian, who said "the bread taken and *distributed* to the disciples He made that body of His, by saying 'This is my body,'

gathered at Windsor, also denied the reception by the wicked.—Foxe, *Act. and Mon.*, vi. 269-73. Coverdale, who was with Cranmer at Windsor in October, and was a Royal Chaplain, held the same view. (*Orig. Letters*, p. 32; *Coverdale's Remains*, p. 264.) Veron's *Godly sayings of the old ancient Fathers*, published by licence in 1550, asserts the same, p. 68.

<sup>37</sup> Alasco arrived at Lambeth on September 21st, 1548, during the absence of Cranmer, who bade him stay there till his own return "in seven or eight days." On December 14th Alasco was ill in bed at Windsor. (*Kuyper*, ii.-619, 660.)



that is, the figure of my body." [Compare Matt. xxvi.-26, Mark xiv.-23.] "And with this the very order of our Saviour's words agreeth: first, 'Take and eat;' then, 'This is my body which was broken for you.'"<sup>38</sup>

The point of Bp. GOODRICH's censure (on *fol. 16b.*) that—

"The question to the sick whether he believeth that he seeth the body and blood of Christ when he seeth the bread and wine is an error,"

may not be quite obvious. He was referring to the test question prescribed in the Sarum Office for "extreme unction," viz. "Brother, dost thou believe that the sacrament which is handled [tractatur] on the altar under the form of bread, is the true body and blood of our Lord Jesus Christ?"<sup>39</sup> Such was the received version of "Crede et manducasti," which was *struck out* as an "error" in 1548.

Mr. Secretary SMITH, one of the few laymen who joined in the debate, pointed out (*fol. 19a.*) that when Christ gave the cup "he had not shed His blood;" and that "blood is a sign of a thing that *had* life"—meaning, probably, that it was the blood as "*shed*," i.e. separated from the body in sacrificial *Death*, which is said to be "given."

RIDLEY dealing with the question "How the body is present?" said "The human nature being in heaven may be said to be here, not in unity of nature but in the unity of Person. Where the one nature is, the other may be said to be." This is the same thought which was expressed by Hooker: "His human substance *in itself* is naturally absent from the earth, His soul and body not on earth, but in heaven *only*. Yet because the substance is inseparably joined to that Personal Word which by His very Divine essence is present with all things, the Nature which cannot have in itself universal presence hath it *after a sort* by being *nowhere severed* from that which everywhere is present. . . Presence by way of conjunction is in some sort presence."<sup>40</sup>

<sup>38</sup> Keble's *Hooker*, II.-352.

<sup>39</sup> Maskell, *Mon. Rit.* i.-88. Compare Henry's *Answer* in Burnet, I., ii.-523.

<sup>40</sup> *Works*, Ed. Keble, ii. 242-3.

The reply by Bp. RUGG (*fol. 9a.*) is very curious: it assumes the ubiquity of Christ's body on earth after its Ascension, on the strength of a legend which "is not in Scripture."

Bp. HEATH pressed Ridley for that "he thinks there is nothing more than was before but the grace of God, as in all other sacraments." That distinction between the Eucharist and the other six "sacraments" which had been admitted in the *Necessary Doctrine* of 1543<sup>40a</sup> contrasts with the definition of a "Sacrament," given subsequently in our Church Catechism, where both the sacraments are declared to have but "two" parts, and the "inward part," in *each*, to be a "spiritual Grace."

CRANMER'S use of the word "inward" yet further illustrates the allusion in the Catechism to "the inward part, or thing signified." He said (*fol. 29b.*) "The change is INWARD, *not in the bread* but in the receiver. To have Christ present 'really' *here*, when I may receive Him by faith, is not available to do me good. Christ is in the world in His Divinity, but not in His humanity. The property of His Godhead is [to be] everywhere, but His manhood is in one place only." Again—

"It was natural bread, but now no common bread, for it is separated to another use. *Because of the use* it may be called bread of life."<sup>41</sup>

This unique Report, though of the scantiest kind, clears

<sup>40a</sup> *Formularies of Faith*, pp. 262, 263.

<sup>41</sup> Contrast with this the Tridentine doctrine—"All the other sacraments are perfected by the *use* of their matter, that is by their administration; baptism, for instance, becomes a sacrament when the ablution is being actually performed; but to the perfectness of the Eucharist the consecration of the element suffices; for though preserved in a pyx, either element ceases not to be a sacrament." (*Cat. Trident.*, pt. ii., ch. iv. q. ix., cf. q. xx.) In opposition to this view, the Anglican Catechism makes its being "given to us" to be part of the very definition of "the word Sacrament." (See my "*Misprinted Catechism*," price One Penny. J. F. Shaw.) Geste, in 1548, said: "the bread" and wine be sacramentes . . . to enstructe our senses outwardly what is wrought inwardly by the said body and blood in the soul. (*Against the privie Mass*, p. 80.)

up several important points. It shows that Cranmer and his fellow Reformers had fully reached the doctrinal standpoint of the Second Prayer Book *before* the First book was drawn up. Although the Twenty-ninth Article of Religion did not see the light till the reign of Elizabeth, in 1563, its teaching formed the turning-point of the whole Debate. In their view, there was a "real absence" (*fol. 14a.*) of the body of Christ from the consecrated elements, except in virtue of the union of His humanity with His omnipresent Deity; and further, that the "presence" to be looked for, is a presence by the Holy Spirit to the faithful receiver only in the appointed *use* of the sacramental rite, *not* a "presence" within wafers hanging up, unused, in a pyx.

Again it is shown that a distinction was plainly recognised on both sides between the (1) "Real" presence and (2) Transubstantiation; and that *both alike* were rejected by Cranmer and his colleagues, as shown by their explicit and reiterated denial of *any* reception by the wicked.<sup>42</sup>

Like modern Ritualists, the Romanists relied on the fog produced by describing a "spiritual" body as consisting of highly attenuated or rarified matter, and as having lost all the nature and properties of an organised body. Nevertheless, unlike the Ritualists, Bishops Day and Thirlby frankly recognised that "omission was prohibition." To their honest minds the *striking out* of the

<sup>42</sup> "Not long before I wrote the said catechism I was in that error of the Real presence as I was many years past in divers other errors, as of Transubstantiation." (*Cranmer's Works*, i.-374.) Among the articles filed against the Reformers the denial of the "real" presence was always a separate count from that relating to transubstantiation. (See Ridley's *Works*, p. 192.) So, too, in the formal Disputations at Oxford and Cambridge in July 1549 (Foxe vi.-298-336) as in 1555 before Cranmer's burning. (*Cranmer's Works*, P.S. I., 391). In Cranmer's *Answer to Gardiner*, the two are dealt with in separate "Books": and as separate *articuli cleri* they were insisted upon by the lower house of Convocation at the accession of Mary. (Cardwell's *Synodalia*, ii.-493.) Bonner, in 1555, published *Homilies*, of which No. 11 deals with "the true presence," No. 12 with "transubstantiation."



Adoration of the host, of the prayer that the bread might be "*made*" the body, and of the "Oblation" of the consecrated "hosts," were three manifest tokens of what Bonner roundly termed "heresy." Lastly, there was much force in Thirlby's complaint of the ambiguity of the language of the First Prayer Book. Nearly every one of the changes made in that book in the revision of 1552 evidenced the justice of his complaint—

"And because [of] the diversity of opinions, for the verity of the body and blood, he desired to have it spoken plainly in the Sacrament because of the doubtful understanding of the region.<sup>43</sup> The plainness of the truth in God's word is to be set forth; *the want whereof* caused him in his conscience not to agree to the doctrine" (*fol. 6b.*).

Dr. Gasquet, in his "Edward VI. and the Book of Common Prayer," shows that Gardiner's misconstruction of the ambiguous language of the First Prayer Book was followed in every instance by a change of the "mistaken" language at the next revision: in other words, that the "Ministers and mistakers" of the First Prayer Book (denounced in the second Act of Uniformity, 5 and 6 Edward VI. c. 1) were the "sesqui-conforming" Romish incumbents who claimed the sanction of the reformed service book for as much Roman doctrine as their ingenuity could infuse into it.

On the other hand there seems good reason for thinking that the language of the First Prayer Book exhibits rather what the Reformers were able to effect, than what they would have preferred. Bucer wrote, from Lambeth Palace, on April 26th, 1549, respecting the liturgical "concessions made to the infirmity of the present age," that he was assured

"They are only to be retained for a time, lest the people, not having yet learned Christ, should be deterred by too extensive innovations from embracing His religion, and that rather they may be won over." (*Original Letters*, p. 536.)

Richard Hilles wrote to Bullinger, June 4th, 1549—

"Thus our bishops and governors seem, FOR THE PRESENT, to be acting rightly; while for the preservation of the public peace, they

<sup>43</sup> The allusion is perhaps to the proverb "*cujus regio, ejus religio.*"

afford no cause of offence to the Lutherans, pay attention to your very learned German divines, submit their judgment unto them, and also retain some Popish ceremonies." (*Original Letters*, 266.)

Roger Hutchinson, the Provost of Eton (who probably formed one of the company of Revisers at Windsor), preaching on the administration of the Sacrament, which was directed by the First Prayer Book to be placed within the mouth of the communicant, said—

"So the King commandeth the same indeed for like considerations for a time and season, and for an uniformity, and to bear with thy infirmity and weakness, until thou shalt have more knowledge, intending, I take it, to make an uniform law to the contrary." (*Hutchinson's Works*, p. 232.) This sermon was delivered in 1550. See Preface, vi., vii.

Be that as it may, the usual result of compromises befell the new Prayer Book. It satisfied nobody. Rebellions followed in its wake. Devon, Cornwall, Bucks, and Oxfordshire were the seat of formidable risings in favour of the "old" religion; the bishops were monished in a circular letter that the book "remaineth in many places of this our realm either not known at all, or at the least, if it be used, very seldom."<sup>44</sup> At length the Romanizing bishops were deprived, one by one, for nonconformity: Bonner, on October 1st, 1549;<sup>45</sup> Gardiner on February 14th, 1551;<sup>46</sup> Day and Heath, October 10th, 1551;<sup>47</sup> Tunstal, October 11th, 1551,<sup>48</sup> while Rugg resigned at once sooner than use the new book, and Voysey also resigned on August 14th, 1551. Their places having been supplied by Reforming prelates, Cranmer was able at last to give effect to his own wishes by passing the Second Prayer Book rapidly<sup>49</sup> through Parliament. No copies of the First book seem to

<sup>44</sup> Cardwell, *Doc. Ann.*, No. xvii.

<sup>45</sup> Foxe, v. 795.

<sup>46</sup> Collier, v. 422.

<sup>47</sup> *Wriothesley's Chronicle*, II., 55.

<sup>48</sup> Strype, *Eccl. Mem.*, II., ii.-22. Or rather, he was then committed to the Tower, and deprived the following year.

<sup>49</sup> The first Act of Uniformity (2 and 3 Edward VI., c. 1) was before Parliament for thirty-four days, viz. from December 19th, 1548, to July 22nd, 1549; the second (5 and 6 Edward VI., c. 1.) only a fortnight; viz. from March 31st to April 14th, 1552.

have been printed after 1549, unless Marbeck's music of 1550 may count; whereas the Second book excited no rebellion, and even during the brief remainder of Edward's reign, it was repeatedly printed. It was translated into French, re-enacted *eo nomine* under Elizabeth, and obtained a hold on the English people which has never been lost to this day.

The "High Church" tradition, which originated with Heylin, and was popularised by Wheatly, that the Second Prayer Book represented only the views of a handful of foreigners, has been exploded<sup>49a</sup> by the more learned advocates of the claims of the First Prayer Book, notably by Canon T. W. Perry and Mr. Scudamore. The Debate now published proves that in 1548 Cranmer and those who acted with him publicly avowed every one of the principles which have been supposed to be distinctive characteristics of the Prayer Book of 1552. That book must, therefore, be held to embody in its most perfect form their mature convictions. The Act of Uniformity of 1552, passed by the *same* Parliament which had enacted the First Prayer Book, describes the later revision as the First book "explained and made fully perfect," and as being "more earnest and fit to stir Christian people to the true honouring of Almighty God." Such at least was the estimate of the relative merits of the two books formed by the men who compiled both.

It is, perhaps, necessary to notice a curious charge which Dr. Gasquet has brought against Cranmer, and which he puts into the mouth of Thirlby. He holds that "one remark of Thirlby was practically a public impeachment of the Archbishop's good faith and honesty" (p. 177). Whereupon, Dr. Gasquet himself says roundly (p. 179), that "the [Prayer] Book, after the bishops had signed it, was tampered with."

But the reader who turns to the Debate itself (*fol. 6b.*),

<sup>49a</sup> Since this pamphlet was first published, the *Church Quarterly* vol. xxxvii., p. 137, and the *Guardian*, December 13th, 1893, have admitted that the Cosin-Heylin theory is historically untrue. Compare Burbidge, *Liturgies*, p. 166.



will see that Thirlby's words do not warrant any such imputation. Thirlby said, "also there was in the book: Oblation which is left out now." That was a good reason, from his point of view, for preferring to retain the old Service Book, in which there "was" both a ritual and a verbal oblation. Dr. Gasquet has allowed himself (of course, quite unconsciously) to interpolate into Thirlby's words other words which Thirlby did not use, and which furnish the sole basis for his own charge against Cranmer. Thus, at p. 165 of his book, Dr. Gasquet puts it that Thirlby "desired it should be known that when the book was agreed to by the bishops the WORD oblation was IN IT, which is left out now." Thirlby, however, said nothing about the "word," nor did he suggest that any such word had ever been in the new Prayer Book. He is speaking throughout of "alterations" and "leavings out," from the Missal in use at that very moment—changes unwarranted (as he contended) by that "book touching their doctrine of the Supper," which embodied the "points of agreement" arrived at in September, during the "bishops' consultation"—which book (and not the Prayer Book) was read during the Debate. Yet Dr. Gasquet repeats (p. 196) that—

"It is moreover now known, by the Debate in Parliament, that the WORD 'oblation' occurred in the book when it was presented to the bishops for examination, but had disappeared from it before it came up to the Lords."

Curiously enough, there are two other instances in which slight alterations of the text have been made which seem to corroborate the novel theory of Dr. Gasquet. At p. 406 of his reprint, a comma has been inserted after "book," in line 2 of *fol. 7a.* of the Debate; and at p. 166, this is again improved by further altering the text as follows:—

"Yet touching THIS book they ARE all agreed of the doctrine so far as is of me read."

Now the effect of this double alteration is to conceal that a "book of doctrine" (not a draft Prayer Book) was spoken of, and also that a bygone "agreement" formerly arrived at in Chertsey was referred to by Mr. Secretary

Smith. A very similar alteration has been imported into Thirlby's own speech, at *fol. 5a.* of the Debate, by Dr. Gasquet's insertion of a comma after "read" (at p. 163 of his book) which again obscures the fact that "the book of their agreements" arising out of the "bishops' consultation" was a book "touching the doctrine" of the Supper, a portion of which, at least, ("so far as is of me read") was apparently read at the opening of the Debate by Secretary Smith. (Compare *fol. 5b.* with *fol. 7a.*) Dr. Gasquet has moreover improved this same speech of Thirlby's by inserting (p. 163) "had set their" before "hands," so as to introduce an imaginary subscription to the draft Prayer Book. But the fact seems to have escaped his notice that this agreement of the majority, by which Somerset held that the rest were bound, had been arrived at long before the Debate, as shewn by the fact that "only the Bishop of Chichester [then] refused to agree" (*fol. 5b.*). Whereas, during the Debate, many of the bishops disagreed; and indeed, Day's objection to the Prayer Book method of administering Confirmation could not have arisen during *this* Debate which was purposely restricted to three specified "points" arising out of the divergent views of the bishops as to the effect of "consecration." (See *fol. 1a.* and *9b.*) Hence Day's third objection (*fol. 5b.*) proves conclusively that the oblation had been "left out" of the draft from the very first.

We may be permitted to indulge the hope that on seeing how he has been misled by errors in transcribing, Dr. Gasquet will recognize with his usual candour that there exists no real ground for imputing to Cranmer conduct which would have been not merely base, but necessarily futile. His theory involves the further supposition that those who acted with Cranmer subscribed in "October" a book containing the very doctrine which they had formally repudiated so early as February. The written replies then furnished to Cranmer's questions by Ridley, Holbeach, and Dr. Taylor, for instance, contained a formal and explicit denial of *any* true or real "oblation."<sup>50</sup>

<sup>50</sup> Burnet, *Hist. Ref.*, II., ii.-196. In 1548 appeared a "Treatise

Another remark made by Dr. Gasquet is also due to oversight.

"A change also in the last rubric for the communion, substituting 'the Sacrament of the body' and 'the Sacrament of the blood' for 'the bread' and 'the wine' is a result of Bonner's protest against heresy" (p. 214).

Now Bonner's protest was made on December 17th, and related as we have seen (p. 12) to a totally different matter. No change made after December 17th could prove any "tampering" with the book before the Debate.

However, these various misconceptions shew the importance of publishing in a cheap and accessible form the actual text of the Debate. In the following reprint, the words enclosed in square brackets, and the footnotes in smaller type, had no existence in the original MS. In all other respects the *ipsissima verba*, and even the ancient irregular spelling, have been carefully reproduced. In the footnotes the letter G marks the references whose verification is due solely to Dr. Gasquet's industry and acumen. The rest may be more easily verified by the general reader in the volumes of the Parker Society in which most of them occur.

against the *privie masse*" by Gest, Vice-Provost of King's Coll. Cambridge, and the friend of Cecil who became Secretary of State in September, 1548. It was dedicated to Sir John Cheke, "schoolmaster to the King's majesty." There is a copy in the British Museum ("696. a., 21"), and in the Bodleian, but the reprint by Dugdale, in his *Life of Bp. Geste*, 1840, being more easily accessible, the following page references relate to that edition. Gest attacked the Canon of the Mass, and its Post-communion collects for teaching the "oblation" (pp. 91, 93, 95, 131), "adoration" of the host (p. 116), and its "elevation" (p. 113), and in every instance, the words thus complained of were "left out" and "altered" in the First Prayer Book. Gardiner was then required by the Privy Council to subscribe and affirm that "the mass that was wont to be said of priests was full of abuses, and had very few things of Christ's institution, besides the Epistle, Gospel, the Lord's Prayer, and the words of the Lord's Supper; the rest for the most part were invented and devised by bishops of Rome, and by other men of the same sort, and therefore justly *taken away by the statutes* and laws of this realm; and the Communion which is placed *instead thereof* is very godly and agreeable to the Scriptures." (Dasent's *Acts of the Privy Council*, III.-74.)



“MS. REG. 17. B. XXXIX.”

(Now in the British Museum.)

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[Fol. 1a.]

CERTEYNE NOTES TOUCHING THE DISPUTACIONS OF THE  
BYSHOPPES IN THIS LAST PARLIAMENT ASSEMBLED, OF  
THE LORDE'S SUPPER.

SATURDAY THE FFIRST DAY. [Dec. 15, 1548.]

DOMINUS PROTECTOR. [Somerset.]

Comanned the Byshoppes to th' intent to fall to some poynt to  
agree what things shulde first be treated of. And because yt  
seamed moste necessarie to the purpose, willed theym to dispute,  
whether breade be in the sacrament after the consecracion or not.

DUNELMENSIS. [Tonstal.]

The Masse used to be called so.

And treated awhile thereof, tyll my lorde's grace put him in  
remembraunce of the order taken, which was onelie to talke of  
the consecracion. But afterwarde he proceeded saing

The adoration is left out of the booke bycause ther is nothing  
in the Sacrament

---

[Fol. 1b.]

but breade and wyne. Yet he beleaved that there is the  
verie body and bloode of Christ bothe spirituall and  
Carnall.

Thus he sayde to maynteyne the allegacion whiche he  
made the night before

That Christ had twoo bodies, and brought Cirillus for  
his auctor, with a longe processe saying

The Spiritual, thus he proved :

All wee shalbe suche after the resurrection.

The Carnall thus :

The fleshe alone can proffet nothing but with the  
Hollie Gooste it quyckeneth us.

*Verba quæ ego loquor spiritus sunt et vita.\**

*Spiritum appellat carnem.†*

CANTOR. [Cranmer.]

Touchinge the spirituall and corporall bodye of Christ.

When Christ came on the water his disciples toke it to  
be *Phantasma*.

Cirillus concerning the deathe onely of the flesshe and  
the power of the devinitie spake it.

PROBATIO  
Cirillus.  
ca. 26. 4. lib.  
super Caro  
mea. &c.

---

\* The words which I *speake* are Spirit and Life. John vi. 63.

† Cyril in Evang. Joan. lib. iv. c. 24. G.

## [Fol. 2a.]

WIGORNIENSIS. [Heath.]

I thinke my Lorde of Durham dothe meane thus  
*Caro* by the joyning of the woordes is *Spiritus* i. e.  
*Caro verbi*.\*

CANTOR.

The spirite and the bodie are contrarie.  
 It is the error of *Orrigen* to beleave that at the day of  
 Judgement wee shulde be all spirites.

WIGORNIENSIS.

CIRILLUS. We eate fleshe that geveth lief.  
 If wee eate man without God [it] is not profitable.

DURISME.

OBJECTIO. *Spiritus non habet ossa*.†  
 He meaneth that Spirites are onelie but fansies, and  
 have no bodies nor bones.

SMYTHE.

Of the corporall and spirituall bodie  
 A long processe declaring what inconvenience, and  
 howe lothesome thinge to heare, shulde arise, by description

## [Fol. 2b.]

of the naturall bodie in the sacrament. Ffor other Christ  
 must have but a small bodie, or else his lenth and  
 thinckess can not be there, which things declare that it  
 cannot be no trew body, or else he must wante his hed or  
 his legges or some parte of him.

And also everie parte of hym muste be one as bigge as  
 another, the hande as moche as the hed, the nose as  
 moche as the hole body, with suche innumerable.

WIGORNIENSIS.

Reason will not serve in matters of faith.

*Hoc est corpus meum*.‡

PROBATIO. It is the bodye that was offered for us

*Quod pro vobis tradetur*.§*Ergo*. It is reall.

CANTOR.

By Scripture our Saviour Christ is our hed, and we his  
 bodie. The worde is in oure hearing, in our eyes the  
 Sacrament.

JOHN. 6. *Qui manducat carnem meam*|| etc.

\* The flesh of the Word. † A spirit hath not bones. Luke xxiv.-39.  
 ‡ This is my body. § Which shall be delivered for you. 1 Cor. xi.-24.  
 || He that eateth my flesh, &c. John vi.-54.

[Fol. 3a.]

They be twoo things to eate the Sacrament and to eate the bodie of Christ.

The eating of the bodie is to dwell in Christ, and this may be thoo a man never taste the Sacrament.

All men eate not the body in the Sacrament.

*Hoc est corpus meum.\**

He that maketh a will beaquiethes certayne Legaces, and this is our Legacy, Remission of synnes, which those onelie receave that are membres of his body.

And the Sacrament is the remembraunce of this deathe  
I. CORIN. which made the wyll goode.†

II. *Indigni iudicium sibi manducant.‡*

They eate not the bodye of Christ but eate theyre condempnacion, for he hath nothing to do with theym that are not parcels of his bodye. They are not fedd of him, bicause they dwell not in him.

It was ordeyned to be eaten of theym.

[Fol. 3b.]

thave everlasting lief.

But they saye the very bodie is there when yt is hanged upp, which is not founde in Scripture.

It is also comfortles while it is his body. for, as sone as you teare the breade with your teathe (they say) the body flies to heaven: for it may suffer no suche wronge.

And while it is in the breade, wee have no comforte: (Some other say) the body tarieth in the breade tyll yt come to the Stomach. And then assens into heaven, for yt may suffer no wronge of digestion.

The body that the juste receave contyneweth hole styll.

Our faithe is not to beleave him to be in Breade and wyne, but that he is in heaven. this is proved by Scripture and Doctors, tyll the Busshoppes of Rome's tyme§ usurped powre came in.

Than no man drinketh Christ or eateth hym, except he dwell in Christ and Christ in him.

\* This is my body.

† See Heb. ix.-17.

‡ The unworthy eat to themselves judgment. I Cor. xi.-29.

§ "tyme" erased in MS.



## [Fol. 4a.]

DUNELMENSIS.

His bodie is in breade and wyne, because God hath spoken yt, which is hable to do it. Saying this is mye bodye, and this is my bloode.

CANTOR.

JOHN. 6. If the evill man eate his bodye he hath lief everlasting  
*Qui edit me habet vitam eternam.\**

The breade that we break is his bodie even as the cupp is his bloode.

DUNELM.

*Hoc quod do est corpus.†*

As able is he to make it his bodye as when he saied  
*Fiat lux.‡*

The evil man receaves a good thing evill. But Christ is there, in the breade. I knowe it by his worde.

CANTOR.

JOHN 6. *Qui manducat etc.§*

If an evill man than eate the breade an evill man must lyve ever.

BATHENSIS. [Barlow.]

ORIGEN. *Panem quem dedit edi, non reservari in crastinum etc.||*

## [Fol. 4b.]

AUGUSTINUS.

*Non dubitavit Christus dicere etc.¶*

*Dedit discipulis figuram corporis.\*\**

*Fecit corpus suum, id est figuram corporis sui.††*

*Sacramentum est cum aliud videtur aliud intelligitur.‡‡*

WIGORN. contra Cantor.

Graunteth that a man may receive the bodye, with out the Sacrament But he that receaveth it evill receaveth it to his awne dampnacion.

1 COR. 10. *Quapropter probet se. etc.§§*

LINCOLN. [Holbeach.]

Whether the body is in the Sacrament or in the receyvor. That all men shulde be iudged by Scripture.

Christ gave no example of reserving because he gave it straight. And the Apostells eate and dranke before Christ consecrated.

CICISTRENSIS. [Day.]

It is to be beleaved and not to be reasoned. *Nisi credideritis non intelligetis.||||* The veritie of Christ's body therfore

\* He that eateth me hath eternal life. John vi.-57.

† This which I give is body.

‡ Let there be light. Gen. i.-14.

§ John vi.-54.

|| Jewel's Works, I.-175.

¶ Ridley's Works, p. 41.

\*\* Goode on Eucharist, I.-261.

†† He made his body, i.e. the figure of his body. ‡‡ Jewel's Works, III.-514.

§§ Wherefore let a man prove himself, &c. 1 Cor. xi.-28.

|||| Except ye will believe, ye shall not understand.

[Fol. 5a.]

is in the Sacrament.

WESTMONAST. [Thirlby.]

Advised the audyence to understand that the boke whiche was redde touching the doctrine of the Supper was not agreed on among the Busshoppes, but onely in disputation. Least the people shulde thinke dishonestie in theym to stande in argument agaynst theyre owne deade : That they handes unto.\*

And for his parte dyd never alowe the doctrine.

COMES WARWICE. [afterwards D. of Northumberland.]

That it was a perilous word spoken in that audience† and thought hym worthie of displeasure that in such an audience‡ a tyme when concorde is sought for, wolde caste suche occasions of discorde among men.

[Fol. 5b.]

MONDAY, THE SECOND DAY.

DOMINUS PROTECTOR [Somerset] contra  
Westmonast. [Thirlby.]

Ffirst of the wordes that were spoken by him on Saturday at night before.

The Bisshoppes' consultacion was apoynted for unitie.

The boke of theyre agreements was redde.

In Councells though some consente not unto the thing yet by the most parte it is concluded.

Onely the bushopp of Chechester refused to agree,

1. Ffor that in Confirmacion there was lefte oute, Oyle in the forehed.

2. And also in the prayer of the Communion where is wrytten, *That yt may be unto us etc.* he wolde have, *Be made unto us.*

3. Also to have certen wordes added after the consecration which were : *That theis Sacrifices and oblations, etc.*

\* So MS.; read "they (were helping) hands unto": or, perhaps, "they (refused to set their) hands unto."

† The Commons of England (including Traheron) were among this "audience" (*Original Letters*, pp. 266, 322, 469, 645).

‡ "an audience" erased in MS.

## [Fol. 6a.]

## WESTMONAST.

RESPON. The considerations moving him to the Subscription of the boke.

1. Ffirst, although of some there is in it to moche, yet they confesse it to be standing with Scripture.

Thoughe many things wante in the booke, yet they are agreed to be treated on afterwarde, wherein he desireth to agree with other Churches.

3. He considerid the unitie at home in this Realme.

4. Also we condempe not theym that use ceremonies for wee yet use some.

Theis are the twoo great stickes :

The elevacion, wherein is considered the doing of it and th' ende wherefor it is donne.

The necessitie of it and ende is this, to Remembre Christ upon the Crosse.

The adoracion : Wheresoever the Sacrament is : to be worshipped ; as

## [Fol. 6b.]

PROBATIO

PSAL. 98.

EXPOSI-

TIO.

UGUS-

TINUS.

*Adorate scabellum pedum.\**

*Terra est scabellum.†*

*Caro significat terram.‡*

Other things in consideration of the unitie at home, might be altered, but the adoration to be lefte out he never consented, nor to the doctrine agreid. And bycause [of] the diversitie of opnions for the veritie of the bodye and bloode, he desired to have it spoken playnelye in the Sacrament because of the doubtfull understanding of the Region.§

Also there was in the booke : Oblation, which is lefte oute now.

Things in disputation are not agreid upon tyll we allowe that which is spoken of.

The playnnes of the trowthe in God's worde is to be sett furthe, the wante whereof caused him in his conscience not to Agree to the doctrine.

SMYTHE.

The veritie of the bodie and bloode in

\* Worship the footstool of his feet.

† The earth is his footstool.

‡ See this passage in Hebert on Lord's Supper, I.-540.

§ The allusion is probably to the maxim "Cujus regio, ejus religio."



[Fol. 7a.]

the Sacrament, my Lord of Westminster is persuaded unto. Yet towching this booke of the doctrine all they are agreed so farr as is of me red.

DOMINUS PROTECTOR.

Theis vehement sayings sheweth rather a wilfulnes, and an obstynacye to saye he will die in it. To saye he will prove yt bye olde Doctors, and therbi wolde persuade men to beleve his sayings, when he bringeth no auctoritie in dede.

LONDON.

When anything is called into question, yf ye dispute yt, ye muste see whether it be Decent, Lawful and expedient.

This doctrine is not decent because yt hath ben condemned abroad as an heresie; and in this Realme Example of Lambert.

Wee have agreid before of the

[Fol. 7b.]

veritie in the Sacrament; and to goo agaynste the same, wee shulde seme lyke *Agabus* that colde speake with one mouthe, Trewthe and falshed. Lyes and trew things.

The faltes in the booke ar theis :

There is heresie because yt is called breade.

*Chrisostom* sayeth there are three breades [:] Corporall, wherewith the Apostells were fedd; twoo of theym the Sonne of Manne, as

*Ego sum panis, in sacramento.\**

But

JOHN. 6.

*Panis quem ego dabo &c.†*

If he kepte promise with theym he gave theym Bothe breade and flesshe.

DOMINUS PROTECTOR.

MATH.

*He toke bread, &c.*

MARK.

*Take, eat, this is my bodye.*

LUKE.

Whoo can take this otherwise, but there is breade styll.

2 CORIN.

And Paule sayeth so calling it breade.

\* I am bread, in the sacrament.

† The bread which I will give. John vi.-51.

## [Fol. 8a.]

*As ofte as ye eate this breade and drinke of this Cupp, &c.  
He toke breade and blessed it and gave yt to his disciples.  
Here dothe appeare playnely, that whiche he blessid, he  
gave to his disciples, and that is breade.*

LICHEFELD. [*Sampson.*]

Thought the doctrine of the boke verie godlye.  
For he never thought it to be the grose body of Christ,  
so grosely as dyvers there alleged, nevertheles he toke yt  
to be the glorified body of Christ.

NORWICHE. [*Rugg.*]

- Thre things are treated upon
1. The Reall presence ;
  2. Whether the bodie be receaved of an evill man, or not.
  3. Of *transsubstanciacion*, and whether the breade be the  
verie substance of the body, or not.

## [Fol. 8b.]

Scripture is called the Sworde of the Spirite, the  
sworde is unities and concord.

It is not Scripture but the devill that moves discensions.  
Our holie fathers consented together in unities.

They saye that in the Supper Christ confesseth he gave  
his body saying *that shalbe geven for youe.*

His body was a trewe bodye, which they say he gave to  
his disciples. A verie bodye.

It is a true body, and a Spiritual body beside.

*St. Paul* shewith that wee receive the very body when

1. CORIN. wee take the breade, saying :

10. *Panis quem frangimus &c.\**

This forme used *St. James* in his Masse.

S. BEDE. *Rogamus ut Spiritus sanctus adveniens†*

\* The bread which we break. 1 Cor. x. 16.

† Dr. Gasquet remarks that "Bede" is the clerk's mistake for "Bessa,"  
*i.e.* Bessarion, from whose brief extracts in Latin the quotations, as from  
the Liturgies of "St. James" and "St. Clement," are both taken.

[Fol. 9a.]

*sanctificet hunc panem, et faciat verum corpus filii tui Christi.\**

S. CLEM-  
ENT. *Emitte Spiritum tuum super haec sacrificia, ut [et?] panem hunc in corpus Christi transmuta[n]s ea Spiritu Sancto &c.*  
Chrisostome manifestlie dothe declare that it is the verie bodie of Christ reall.

THEOPHIL. *Si carnem et sanguinem speciem reservans, &c.*

ALEXAND. *Consonans in Ecclesia &c.†*

DAMASCE. *Quemadmodum in Baptismate &c.‡*

Christ toke not his Godhed from heaven when he descended, nor his body from the earthe like wise [sic] when he assended.

It is not in Scripture: "Lorde, whether goest thoue?"  
Respon. "I go to Rome to be crucified agayne."

This was sayde to Peter.§

DAMASCE. *Panis fit caro per Spiritum sanctum. Quemadmodum in deipera assumpsit carnem &c. Non est figura Corporis, sed ipsum Corpus, ipso Domino dicente:‡*

[Fol. 9b.]

*Hoc est meum, non figura corporis.*

JOHN 6. *Qui manducat me vivit in eternum.||*

LINCOLN. contra NORWICH.

Theis are the three poyntes:

1. The reall presence in the Sacrament.
2. Whether evill men receive that bodye, or no.
3. The transubstantiacion.

OBJECTIO. Wee muste rest on faithe not of reason.

RESPON-  
SIO. Yet faithe muste have a ground. And that is not of man but of God.

MATT. 26. After his consecracion is written:

MARK. 14. *Non bibam amodo de hoc genimine vitis.¶*

LUKE. 22. This is my bloode he calleth it afterwarde the frute of  
CHRISOS- the vyne.\*\*

THEOPHI- What is the frute of this vine but wyne.

LAC. *Non bibam ex hoc vino.*

AUGUS- *Vinam [sic] in misterio redemptionis nostrae*

TIN. DE  
ECCLESIAE

\* A direct citation from Bessarion. See Migne's *Patrologia Graeca*, Tom. 161, col. 500. D. The second quotation being from Chrysostom, not "Clement." Ibid., col. 501. A. Bessarion's *De Sacramento*, Nuremberg, 1527, pp. 40, 41, does not verbally agree with Migne.

† Cranmer's Works, I.-187.

‡ Orth Fidei, iv. c. 14. G.

§ This apocryphal legend was erroneously attributed to St. Ambrose. See Sanderson Robin's *Claims of the Roman Church*, p. 255. Smith's *Dict. of Bible*, ii.-806.

|| John vi.-52.

¶ Matt. xxvi.-29.

\*\* Jewel's Works, III.-521.



## [Fol. 10a.]

- DOGMAT. *quum dixit, Non bitam &c.\**  
 1 CORIN. 10. *Vnus panis multi sumus;*† he calleth it here Breade,  
 speaking of the Sacrament.  
 AUGUST. Whie he left it in breade and wyne; because of many is  
 made one, to declare the misterie of our unitie.  
 The forme and accidentes cannot shewe us of this unitie.  
 The fleshe and bloode alone cannot shewe us of this  
 unitie.  
 CYPRIA. *Dedit panem et vinum discipulis.*‡ But upon the Crosse  
 DE his bodie to the souldiours to be crucified.  
 UNCTIONE The Masse of James cannot be shewed.§  
 CHRISMA- As touchinge the wordes in the prayer wherewith my  
 TIS. Lorde of Chechester is offended, they stande well by  
 Scripture and are meate and convenient.  
 Ffor wee are sure we pray for

## [Fol. 10b.]

- no lesse than Christ hym self made.  
 CHRISO. *Chrisostom* spoke that to rayse upp our myndes in  
 HOMELI. presthodd; saythe not once thincke wee be of the earthe.||  
 SS. And so meaneth he of the Sacrament, *Quod nos transimus*  
*in carnem Christi.*¶ Evyn thus they speake of us as well  
 as of the Sacrament.  
 EUSEBIUS. Wilte thoue knowe howe thou arte turned. Aske thie  
 self that arte turned, ffor no outward thing is chaunged.\*\*  
 The translating of the Element moste have another  
 meanyng and not be grosely understande.  
 LEO. *Virtute celestis cibi transimus in carnem Christi.*††  
 Damasen is no worthie author for he joyneth the  
 promise to Oyell as well as to water, whiche God hath  
 onely sayde of water.  
 Also he maynteyneth Idolatrie, to worshipp Emages.

---

\* Hebert on Lord's Supper, i.-264.

† We, the many, are one bread. 1 Cor. x.-17.

‡ Page 477, Ed. Basileæ, 1530. G. § See page 4, note 3a.

¶ The passage is quoted in Jewel's Works, i.-538.

¶ That we pass over into the flesh of Christ.

\*\* Hutchinson's Works, P.S., p. 241. †† See Jewel's Works, III.-469.

[Fol. 11a.]

NORWI.

JOHA. 6. *Quid si videritis filium hominis &c.\**

MATH. 26. *Pauperes habebitis semper &c.†*

After his resurrection he sayeth: *Hæc locutus sum† vobis etc.* While he was yet among us then. And so is this texte of *Quid si* to be taken.

LINCOLN. contra NORWICH.

By Scripture and Chrisostome thei wolde prove transubstanciacion, as

1 COR. 10. *Cepit panem. Non fregit panem. Sed Corpus Christi.§*

BEDA. *Panis quem frangimus &c.||*

CHISOST. *Fregit panem.*

*Vides panem, vides vinum &c.*

Thincke not that thowe receaveste the body of Christ at the hands of the preest. *Sed tanquam Curaphyn ignem.¶*

DURHAM contra LINCOLN.

This texte *Non bibam\*\* &c.* is declared in Luke, Mark, and Matthew but

[Fol. 11b.]

no man can prove by Scripture that Christ ded eate hym self.

*Panis quem frangimus &c.††* It is not mente of materiall breade by that whiche followeth *Omnes panis unus sumus.‡‡* No naturall bredd.

LINCOLN.

Christ did eate the Sacramente his self, ffor Christ saithe so.

AUSTEN. *Luke* spake there *per anticipationem. Panis§§* is that whiche is broken. It is *Misticus* yet it is breade.

*De uno pane participamus.||||* Is bredd.

DUNELMENSIS.

By anticipacion Scripture speaketh of Sacramentes by the name of that it was before. It was bredd, before. And it was fleshe and he wolde not go agaynste him self.

LINCOLN.

OBJECTIO.

D. It was called wyne because it was

\* What and if ye shall see the Son of Man. John vi.-62.

† Ye will have the poor always, &c. Matt. xxvi.-11.

‡ These things spake I to you.

§ He took bread. He did not break bread. But the body of Christ.

|| The bread which we break. 1 Cor. x.-16.

¶ See Goode on Eucharist, Vol. I.-533.

†† The bread which we break, &c.

‡‡ By anticipation. Bread.

\*\* I will not drink, &c.

‡‡ All we are one bread, &c.

|||| Of one bread do we partake.

## [Fol. 12a.]

wyne before.

CONFUTATIO. L. Shulde we than say that Christ is called God because he was God before, but because he is God still.

EXODUS. 7. *Virga versa in colubrum*,\* truly turned by the senses seane and perceaved. We have no texte that *Vinum versum est in sanguinem Christi*.† Nor oure Senses perceive it not neyther.

JOHAN. 2. The water was turned into wyne. Verely not water styll, but the Senses felte it to be altered.

OBJECTIO. D. That it was comen bread then.

RESPONS. L. Nay it is *misticus*.

OBJECTIO. D. Bycause of the omnipotencye of God, he hath made breade fleshe.

RESP. L. I beleave that Christ is trewe and Omnipotent.

ROFFENSIS. [Ridley.]

PETRUS. Render reason and cause of that faithe that is within youe.

OBJECTIO. D. Scriptures alleged that after the

## [Fol. 12b.]

consecracion there remayneth no bred. And that the body is no materiall breade. *Ergo* there is no breade.

*Communicacio* is the true mistery and synge of the body that was geyven for us.

AUGUST. He doubteth not to call his body by the worde of the signe of his body.‡

CHRISOST. *Est figura, non tantum figura*, &c.

This same body we receive that Christ gave in his Supper.

AUGUST. Calleth it the grace of his body.

ACT. *Et erant perseverantes in fractione panis*.§

ACT. *Perdurabant unanimiter frangentes panem*.||

AUGUST. *Detrahe verbum pani et est panis. Adde verbum est sanctus et misticus*.¶

Touching *conversum* and *traselementatum*.

It is changed whan the childe of wrathe is made the CYRILLUS. Childe of God. And we saye trewe, that Christ is in us HYLARIUS, naturally, i.e. the very propertie of his body is in us. that is to saye *Vita*.\*\*

\* The rod being turned into a snake. Exod. vii.-10.

† Wine has been turned into the blood of Christ.

‡ Ridley's Works, p. 41.

§ And they were persevering in the breaking of bread. Acts ii.-42.

|| *Ibid.* verse 46.

¶ Take away the word from the bread, it is bread. Add the word, it is holy and mystical.

\*\* Life.



[Fol. 13a.]

*Septima Synodus de adoracione simulacrorum.*\* But in another Councell there was brought an image before theym, and all they wurshipped it and all condempned the former.

As Christ Toke upon hym manhod and remayneth God; So is breade made by the Hollie Ghooste hollye yet remayneth breade styll. *Panis communio non est panis simplex sed panis unitus divinitati.*† As a burnyng coole is more than a cole for there is fyer with it. *Conjungit pani divinitatem.*‡ He chaungeth breade in *virtutem carnis. Non in veritatem.*§ *Theophylactus* allegeth so.

LICHFELD. [Sampson.]

\* Desyreth to speake a grosse worde, not for transubstanciacion for he thought ever that colde not be.

[Fol. 13b.]

But for transmutation, and that it is a mysticall breade, for the fathers spake ofte of that.

WIGORNIENSIS. [Heath.]

This texte youe saye *Hoc est Corpus* &c. dothe not take awaye the substance of breade.

And that there is none other substaunce but breade.

It is ment than that we receave in faithe When we receave the verie bodye.

ROFENSIS. [Ridley.]

RESPON. Concerning the outwarde thing it is very breade. But according to the powre of God is ministred the very body.

WIGORNIENSIS.

QUESTIO. Whether the receavor taketh any substaunce in the Sacrament or not?

ROFENSIS.

RESPON. The carnall substaunce sitteth on

\* The Seventh Synod touching the worship of images.

† The bread of the communion is not simple bread, but bread united to the Godhead.

‡ He conjoins the divinity to the bread.

§ Ridley's Works, p. 230.

## [Fol. 14a.]

the right hande of the Father. After this understanding of the presence he is not in the Sacrament. He is absent for he saythe he will leave the worlde.

And in another sense (he saith) he wilbe with us untill th' ende of the worlde.

AUGUST. Expounded thus by Sainte Austen.\* He goeth away after a certen sorte and is with us still after a certen sorte.

The manhood is ever in heaven; his divinitie is everywhere present. When he was here he was *circumscriptive* in one place as touching his naturall body.

*Secundum ineffabilem gratiam.*† I wilbe with youe till the consummacion. Christ sittes in heaven. And is present in the Sacrament by his workyng.

## [Fol. 14b.]

WIGORN.

QUESTIO. All the olde doctors graunte a convection of the breade. Wherein is the bread converted? Is it in the breade.

ROFFENSIS.

RESPON. It is converted into the bodye of Christ.

QUESTIO. Howe are we turned in baptysme?

WIGORN.

RESPON. Spiritually.

ROFFENSIS.

Evyn as glasse receaveth the light of the sonne, but the stone cannot for it may not pearce thorough it, So the evill man cannot receive the body.‡

COMES WARWICKE.

Where is your Scripture nowe, my Lord of Worcestur? Mythinke because you cannot mayteigne your

\* See Ridley's Works, p. 43. † After an unspeakable grace.

‡ Compare Ridley's Works, Parker Soc., p. 13.

[Fol. 15a.]

argument neither by Scripture nor doctours, youe wolde go to nowe with naturall reason and sophistrie.

CANTOR.

I beleave that Christ is eaten with harte.

The eating with our mouth cannot gyve us lief.

Ffor then shulde a synner have lief.

But eating of his body gyveth lief.

Onely goode men can eate Christ's body. When the evill eateth the Sacrament, Breade and wyne, he neither hath Christ's body nor eateth it.

This body is not in the evill man for it is on the right hande.

JOHN.

*No man assended into heaven, &c.*

The good man hath the worde within hym. And the godhed by reason of an indissoluble annexion is in the manhodd.

[Fol. 15b.]

Eating with his mouth gyveth nothing to man, nor the bodye being in the breade.

IRENEUS,

Lib. 3

capite 33

Bred ys

my body.

Christ gave to his disciples bredd and wyne, Creatures among us, and called it his body saying *Hoc est Corpus meum*.\*

WIGORN.

Auncyent writers call it a misterie incomprehensible and *Horrible*.

OBJECTIO.

CANTOR.

It is no profit to beleave that an evill man receaveth the body.

RESPON.

WIGORN.

IOHN.

He sayde he wolde gyve theym suche a breade as was never gyven before. As touching the naturallnes of Breade, *Manna* is more divine by seamyng. He that beleveth in me shall lyve by me, but he meaneth not breade, but his awne flesshe.

ROFFENSIS.

QUESTIO.

What breade ment he when he saide

\* Cranmer's Works, I.-104.



## [Fol. 16a.]

JOHN 6. *Ego sum panis \**  
*Panis quem ego dabo.†*

WIGORN.

OBJECTIO . The workeng of it is made by the Receyvor, yet they all eat one thing.

AUGUST. *Cum edunt ipsam carnem.‡*  
*Judas receyved ipsam carnem* but he dwelled not in Christ nor Christ in hym.

Example of an olde man and a sicke. They eate one meate but not alike vayloable.

CANTOR.

Scriptures and doctours prove that *Hic calix §* is *figurative* which he often used and *significabat vinum.||*

WIGORN.

The Scripture is received bycause the Church hath received yt. Likewise the Sacrament.

ELIENSIS. [*Goodrich.*]

DE ELE- There is no visible thing that is God.  
 VATIONE.

## [Fol. 16b.]

The Question to the sicke, whether he beleaveth that he seeth the bodye and bloode of Christ when he seeth ¶ breade and whine is an error. Images and wurshipping of breade have ben a lett that Jewes beleave not in Christ bycause the bible speaketh agaynst idolatrie.

## TEWISDAY. THE THIRDE DAY.

CICISTRENSIS.

*Hoc est Corpus meum.*

The matter concerneth not onely the wealthe of the body but of sowles.

The Sacrament hath been called and taken an article of our faith to beleave that the body is there after the consecration.

The people that have bynne comonly taken and called the Church have thus beleaved.

And the opynion that we receive not the bodye that was gyven for us to death hath byn reiectyd.

\* I am bread.

† Since they eat the flesh itself.  
 || It meant wine.

‡ The bread which I will give.

§ This Cup.

¶ See above, p. 16.

[Fol. 17a.]

And to saye that we receave the Sacraments but as Signes of the body and bloode hath byn condempned.

Yet bothe sides, the one and thother, grounde their reasons uppon Scripture and doctours.

In tyme paste the pure words of Christ were taken.

But nowe wee expounde theym by trope and figure.

Yet there shulde be brought some Scripture that theis wordes were spoken by figure. Or els they muste be taken as they ar barelie spoken.

If there be a Trope than is it requisite to shewe in whate worde it is. Whether in *Hoc est*,\* or *Corpus*.† But this I wott, we shalbe sore assauted of Sathan when wee goo hence to prove whether we grounde our doctrine uppon Scripture or not.

[Fol. 17b.]

If it be a Trope, it is in *Corpus*.‡

Scripture saieth *Corpus* is the same body that shalbe broken for us, which was a naturall bodye.

In *John* his Apostells did eate him and drinke hym spiritually; but he promised them breade and that they shulde eate hym and drinck hym otherwise, yet spiritually to.

JOHN. 6.

CHRI-

SOST.

IN EPISTO-

LA I. AD

CORIN.

CAP. IO.

*Panis quem ego dabo pro mundi &c.*§

The worde body thus signifieth the very bodye.

To towche a great man's gowne with 'fyled hands is not sufferable. Evyn so to eate the fleshe and drinck the bloode with corrupt conscience.

It is that body by the whiche hell was broken and heaven opened, the selfsame body that was wounded with the Speare and gushed out bloode.||

Touching *Hoc*.

Materiall bred cannot be the substaunce of Christ.

\* This is.

† Body.

‡ Body.

§ The bread which I will give for the [life of] the world.

|| Hom. xxiv. in 1 Cor. x. G.

## [Fol. 18a.]

Therefore *Hoc* muste neades *predicare\** *Corpus non panem.*

SMYTH.

It is more horrible to eate fleshe then to break it.  
To drinke bloode then to shedde or powre it oute.†  
And touched my lorde of Chichester's Reticke.

CICESTRENSIS, *contra* SMYTHE.

RESPON. That he uttered not his tale by humane reason or by rethoricke, for in that Mr. Smythe is a greate deale better then he.

It is sayde that the doctours maynteyned not the substaunce in the Sacrament, and the alleged *Erasmus* for the judgemente of the Fathers.‡

DOMINUS PROTECTOR.

To allege *Erasmus* who is but a newe writor, and not recyte the auntyent Doctours is unconuenient.

## [Fol. 18b.]

Sith by Scriptures and olde writers it was agreid that theis arguments shulde firste be proved.

CICESTRENSIS.

Intendeth not to make *Erasmus* his Author, but to shewe his mynde howe he understode a place in Scripture.

DEUTERO. *Non alligabis os bovis triturantis.*§

CAP. 14. This proveth he to be spoken for the mynysters that are lyving rehersed by St. Paule saying|| *Nunquid de bobus curae est Deo.* And theis are not contrarie and St. Austyn holdes opinion that Children shall not have lief except they eate the Sacramente.¶

JOHN. 6. *Nisi manducaveritis carnem filii hominis.\*\**

SMYTH.

AUGUST. *Non dubitavit Christus dicere, Hoc est Corpus meum, cum signum corporis sui daret.††*

\* "This" must needs predicate body not bread.

† Augustine quoted in Grindal's *Remains*, p. 70.

‡ cf. Strype's *Cranmer*, E. H. Soc., ii.-472.

§ Thou shalt not bind the ox that grindeth. Deut. xxv.-4.

|| 1 Cor. ix.-9. Doth God care for oxen?

¶ See Scudamore's *Notitia Eucharistica*, p. 53.

\*\* Except ye shall have eaten the flesh of the Son of man. John vi.-53.

†† Ridley's Works, p. 41.



[Fol. 19a.]

CYCESTRENSIS.

Sayncte Austyne also is not a frayde to saye he sawe Christ's body when he sawe the Sacrament.

SMYTH.

AUGUST. Bloode is a singe of a thing that had Life.\* Christ gave as moche as eny can consecrate. And then he had not shedd his bloode.

CYCESTRENSIS.

If a man see a figure or a signe it is not the thing itself, as white and rounde is not the breade itself. Evyn so Christ gave the Sacrament that the forme and accydents of breade shulde remayne, but not verie breade.

SMYTH.

As who saithe, I ame a Man, but bycause it is night I cannot be deserned so well.

Therefore except ye see me perfectlye I ame no man.

[Fol. 19b.]

This is false, for I ame Man still and so the Sacrament is breade still. Though theis arguments be able to prove inwardely nyether this nor that.

LONDON.

There belongs to the Sacrament

*Modus dandi*† and *Res*‡ *data*.

*Res data non est figura*.§

CANTOR.

AUGUST. Bloode is a figure of the lief. So is the breade a Signe of the body.

OBJECTIO. Whether there be any figured speache in *Hoc est Corpus*.

CYCESTR. But *this Cuppe is my bloode* muste nedes be *figuratè*.

Theis twoo whiche nourisheth us Christ calleth his body and bloode.

But answer to *Ireneus* that auntyente wryter, the disciple of *Policarpus* which was John's disciple.

CYCESTRENSIS.

RESPON. If *Panis*, in *Panis quem frangimus*|| is to

\* This reference to Augustine has not been traced.

† The mode of giving. ‡ The thing given.

§ The thing given is not a figure.

|| Bread, in "the bread which we break."

## [Fol. 20a.]

CORIN. II. be constrewid verie breade, then muste *Corpus* also that folowethe in the same texte be taken to be the verie bodye.

WIGORN.

We see a thinge and there is a thing hidd also.  
There is bothe *Signum* and *Corpus*.\*

CANTOR.

AUGUST.† *Quid paras ventrem et dentes. Crede et manducasti.*

AUGUST.† *Carnaliter intelligere est verba ut dicuntur intelligere.*

ELYENSIS. [Goodrich.]

IRINEUS.§ *Eucharistia ex duabus rebus constans terrenum et celeste &c.*

DUNELMENSIS.

Consenteth that he called breade his body, and wyne his bloode for so doth the gospell.

But he expounded it after a sorte, and denyed after eny breade to remayne.

## [Fol. 20b.]

LINCOLN.

IRINEUS. *Confessus est Calicem suum sanguinem.||*

ROFFENSIS.

*Panis in quo gratiæ actæ sunt quondam terrenum est et supernum.§*

He blessing not his naturall body but *panem*.

And of a phantasticall bodye there is no figure.

TERTULIAN. *Non desinit esse substantia panis.\*\**

LIAN. *Nec panem in quo ipse suum corpus representat &c.*

*Renatus* confessith that Tertulian was of this opinion and defended it.

CANTOR.

TERTULIAN. *Appellavit panem suum Corpus.††*

WESTMONASTR.

IRINEUS. *Eucharistiam appellat Corpus, non panem.††*

LINCOLN.

*Eucharistia* is more then *Panis comunis*, §§ for it is  
I CORIN. *Misticus*. As in Paule *Calix benedictionis*.|||  
IO.

\* Sign and body.

† Cranmer's Works, I.-202.

|| Hebert on Lord's Supper I.-52.

†† He called the bread his own body.

‡‡ He calls the Eucharist body, not bread.

||| The cup of blessing. I Cor. x.-16.

† Cranmer's Works, I.-208.

§ See Ridley's Works, p. 173.

\*\* Jewel's Works, ii.-611.

Ridley's Works, 173.

§§ Common bread.

[Fol. 21a.]

IRINEUS. *De pane qui est Corpus eius.\**

WEDDINSDAY, THE 4 DAY.

WIGORN.

*Irineus* called it breade bycause it was breade before.

CANTOR.

QUESTIO. What is that he calleth Breade and wyne.

CICESTRENSIS.

*Allegeth Hylarius.*

NORWYCENSIS. [*Rugg.*]

Reherseth Austen with a werie processe unworthie of remembraunce and moche agaynste his awne purpose in the ende.

CANTOR.

Ffirst it is called Bread and after the consecracion *Significat corpus Christi.*†

LYCHEFELDIEN.

Before we go to the great misteries

[Fol. 21b.]

we shulde have a solemp prayer and a solempe fastinge.

CANTOR.

TERTUL- *Do[i]cendo vocans panem Corpus suum, i.e. figuram*  
LIA. *Corporis.*‡

WIGORN.

Graunteth that Christ called breade his body.  
But meanyng the name onelye that used before.

DUNELMENSIS.

PAUL AD Byddes us flye curious questions. Christ when he mett  
TIT. with Mary Magdalene, She knewe not his forme bycause  
he was lyke a gadyner, and yet was none indede.  
So in the bread &c.

CANTOR.

*Hoc est Corpus.*

If that it were mente by *Corpus*, than were *Corpus* a figure of the bodye.

But the breade is the figure.

\* Concerning the bread which is His body. cf. *Adv. Hareses*, V. ii.-2.

† It signifies the body of Christ.

‡ See Hebert on Lord's Supper, I.-70.



## [Fol. 22a.]

For the breade is the Sacramente.

LANDAFFENSIS. [Kitchin.]

If he sayde it were *figura non figurata*, then the matters were oute of doubt and question.

GENESIS      Example, *Memento homo quod cinis es, et in terram*  
3.                *reverteris*.\*

HARFORDIENSIS, *contra* CANTOR. [Skyp.]

OBJECTIO.    This worde *Hoc* shulde meane breade.  
                 And breade the body of Christ.

If we shulde thincke the flesshe of Christ's body is in the Receyver, we shulde exclude Christ out of the Communion and the Sacrament.

OBJECTIO.    The body of Christ is in heaven. *Ergo*, he is not in the Sacramente. That the body of Christ cannot be under any forme in the Sacrament.

It is but the grace that cometh unto us by the body (they saye) we shall receive but a certen grace.

## [Fol. 22b.]

Than shall we chaunge the name of the Sacrament of the body, and call it the Sacrament of benefittes whiche we receive by the bodye of Christ.

CANTOR.

REITERATIO.    *Hoc est Corpus meum, i.e. figura Corporis*.†  
                 Thus sayeth the olde Fathers.

HERFORD, *contra* CANTOR.

Having respecte to the hanging on the Crosse it is a figure.

It is nevertheles the very body that is in heaven.

*Lanfrancus* understoode it so who was your predecessor.

CANTOR.

Youe saye the body is the figure of the bodye. Nothing is a figure but that which is seen visible.

HARFORD.

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\* Remember, O Man, that thou art ashes and to earth thou shalt return.

† This is my body, that is, the figure of the body.

## [Fol. 23a.]

You conferr the Sacraments of the Olde Testamente with this, and make it of no more valewe in usinge. *Manna* and drincking water oute of the stone with, *i.e.* signifieth *Corpus figura Corporis*.

CARLIEL. [*Aldrich.*]

Sayde as the Bysshopp of Harford, *i.e.* significat *Corpus figura Corporis*.\*

DUNELMENSIS.

*Figuram non esse sine veritate Corporis.*†

Youe wolde denye that he had any bodye.

CANTOR.

That whiche is not can have no figure.

If he had no bodye, breade coulde be no figure of his bodye. This were to mainteigne *Manicheus'* heresy.

CYCESTRENSIS.

Oyle signifieth the Holye Ghooste;

## [Fol. 23b.]

yet the Holy Gooste did never dye.

The flesshe was lefte us a sacramente and Christ is there by a figure called *Typus*, whiche the scholemen use when they demonstrate which is mente here. *Caro*,‡ *i.e.* *Terra conversa in figuram suam*. *Figura* here is the very thing itself.

CANTOR.

If Oyle represented the Holye Gooste than was there an Holy Gooste. So the figure of the body.

The figure of the horse, *id est*, the proporcion of the horse. This is a figure called to shewe; and there is no proporcion in the Sacrament; for it were *absurdum*.

CYCESTRENSIS.

Graunteth bothe the figure and the thing it self.

\* Body means a figure of body.

† A figure is not without the truth of a body.

‡ Flesh, *i.e.* earth turned into a figure of it. See Jewel's Works, i.-541 n.

## [Fol. 24a.]

ROFFEN.

No man sayth in steade of *Hoc* put in *Panis*; but we saye that *Hoc* meaneth *Panis*.

AUGUST. *Adhuc fudam convivio suo in quo comendabat figuram Corporis sui.\**

Houe the bodye is present, and in whate manner.

*Quia divinitas infundit se elemento.†*

CIPRIAN. Therefore the humane nature being in heaven may be sayde to be heare, *non in unitate naturae sed in unitate personæ.‡*

Where the one nature is, the other may be sayde to be.

There are foure kyndes of breade :

MATT. 1. One naturall; when he sayde *Non in solo pane vivit homo.§*

PAUL 2. The seconde Sacramentall, as *Panis quem frangimus.||*

AD. 10. 3. The third flesshe; when he saith *Panis quem Ego dabo*  
CORIN. *caro mea est.¶*

JOHN 6.

## [Fol. 24b.]

LUKE 22. 4. The fourthe Devyne, as *Ego sum panis vivus qui de coelo descendi.\*\**

When I was daylye withe you in the Temple, ye stretchid oute no hands agaynste me, but this is evyn youre verye howre.

HARFORDE *contra* LINCOLN.

CHRI- That thinge that thowe seist, Christ wolde thee to  
SOST. beleave that whiche thowe seiste not. Therfore he did  
SUP. JOHN. those myracles. First that whensoever he sayde any  
UPPON those myracles, they myght beleave yt.

THE If Christ wolde saye, "This is a wollpacke," be it  
ii FISHES. impossible that eny colde trie it oute. If he saye it, though it were haye before, yet wee must beleave his worde.

It is no carnall reason to saye, that it is the bodye of Christ, is beyonde reason to beleave.

\* He retained Judas at his own feast, wherein he entrusted [to him] a figure of his own body. Ridley's Works, p. 40.

† Because divinity infuses itself into the element.

‡ Not in unity of nature but of Person.

§ Not by bread alone doth man live.

|| The bread which we break.

¶ The bread which I will give is my flesh.

\*\* I am the living bread which came down from Heaven.



[Fol. 25a.]

But that it signifieth Christ's bodye and breade also, every Childe may sone perceave.

LINCOLN *contra* HERFORD.

Twoo things are to be noted in Christ's myracles: the one was his doctrine, the other his wourks, which were to confirme and stablyshe his doctrine.

Beside the words the adversaries resite a myracle. But there is no myracle, but that which is seen: they be but signes. Christ wrought no myracle but that which was seane.

CYCESTRENSIS.

REG. Yes, forsothe; as *Pete tibi signum a Deo.\* Achab non petam. Ecce virgo concipiet &c.* Which is a myracle and not seane, for the people toke Christ to be Joseph's Sonne.

LINCOLN.

Yes, Mary knew it and felte the worke of the Holy Gooste.

[Fol. 25b.]

ROFFENSIS.

I saye not the breade is but a figure, and that enye man may perceave. But it is more then a figure, for besides the naturall breade there is an operation of Divinitie, for my Senses when they taste and eate, perceave but a figure.

CANTOR.

I. CORIN. Seynte Paul saythe *Panis quem frangimus est communicacio† Corporis*. Evyn so Christ when he sayde *This is my bodye* he ment *communioem‡ corporis*. For Christ when he byddes us eate his bodye it is *figurativè*; for we cannot eate his bodye indeade. When God commaundes a good thing to be donne and forbiddes an evill thing it is no figure.

AUGUST. To eat his flesshe and drincke his bloode is to be partaker of his passion, as water is water still that we are christened withall, or that was wonte to be put into the wyne.§

\* Seek for thyself a sign from God. Achab I will not seek. Behold a virgin shall conceive, &c. Isaiah vii.-11-14.

† The bread which we break is the communication [?] of the body.

‡ Communion of the body.

§ Cranmer's Works, I.-115.

## [Fol. 26a.]

WIGORN. *contra* ROFFEN. [Heath v. Ridley.]

He pressith hym that he thinckes there is nothing more then [t]he[re] was before, but the grace of God as in all other Sacraments, and this is not more altdred then other are. All writers yet speake of a chaunge of the breade.

QUESTIO. Whate is it after the consecracion more then it was before.

They call it also *Tremendum misterium, horribile*.\*

ROFFENSIS.

In that breade is *communio Corporis Christi*† in the goode. But the ill do receave *mortem et judicium*.‡

And that the doctors use theis termes, it is for the reverence, and so spake they of water.

*Inspice vini divinam*§ in a greate Canon he propowneth. Also the question of Charles to Bertram: *Christus manducatur in Sacramento, Licet totus sit in Cælo*.||

It is transformed, for of the common breade before, it is made a Divine influence.

## [Fol. 26b.]

The naturall Substaunce of breade remaynes ás it was before.

CYCESTRENSIS.

That the aucthours were alleged wrounge by my Lord of Rochester.

PROBATIO. *Bartram* is printed of late at *Geneva* among the Sacramentaries and corrupted.

Ffor the bisshopp of Rochester, Fysshier, brought the same aucthour agaynst *Æcolampadius* for the veritie of the body in the Sacrament.

And sayeth also that Cypryan was wronge recyted.

CYPRYAN. *Panis ipse omnipotencia verbi secundum naturam non in specie factus est caro &c.*¶ *Natura vel substantia non desunt.* Whether *natura* be substaunce or propertie.

ROFFENSIS.

Alleged *Cypryan* right for the wordes ar here.

\* A mystery tremendous, full of horror.

† The communion of the body of Christ.

‡ Death and judgment.

§ Behold the divine [nature ?] of the wine.

|| Christ is eaten in the sacrament though he be whole in heaven.

¶ Ridley's Works, p. 162.

[Fol. 27a.]

CYPRYAN.\* It is chaunged in nature, that is to saye in propertie.  
*Vocat corpus panem propter membrorum convenienciam.*  
*Panis est propter nutrimentum corporis. Carnem vocat*  
*propter assumptae carnis proprietatem.*  
*Proprietas assumptae carnis vita erat.*  
*Divina essentia infudit se Sacramento.*

CYCISTREN.

Like as in the humanitie of Christ the Godhedd was,  
 Evyn so the presence of his verye body is in the Sacrament.  
 And my Lorde also mys-rehersed *Eusebius* upon this  
 text: "Towche it with thie faithe".

ROFFEN.

*Eusebius* saythe that it is necessarie to make a Sacra-  
 mente of his bodye to thintent that his bodye

[Fol. 27b.]

might be honored contyneweally in a mystery in the Sacra-  
 mente, which was offredd for our redempcion. And  
 Christ's bodye in grace shuld be here present. *Fide*  
*estimanda non specie.*†

EUSE- And for this worde *In substanciam*‡ I understand it  
 BIUS. thus *In proprietatem. In virtutem substantiae.*§

*Nec dubitatur conversa in naturam Divini Corporis*  
*dicere, Quando homo fit membrum Christi Corporis.*||

CICISTRENSIS.

OBJECTIO. We receave the worde in the Sacrament, not the  
 substance of the bodye.

HILARYUS *Si verbum caro factum est* &c.

DE *Et nos vere Verbum carnem Cibo dominico accipimus.*¶

TRINI-  
TATE.

\* This quotation and the last are from the *Sermo de Coena Domini* marked as spurious in Erasmus' edition of 1530. See James' *Corruptions of the Fathers*, p. 17. Migne's *Patrologia*, IV.-814.

† Becon's Works, III.-444.

‡ Into substance.

§ Into the special property. In the virtue of the substance.

|| Opera, ed. Paris, 1547, p. 476. G.

¶ Cranmer's Works, I.-160.



## [Fol. 28a.]

ROFFENSIS.

*Verbum carnem, i.e. Christum.\**

CICISTREN.

HILARIUS. *Et naturam carnis sub Sacramento eternitate suæ nobis communicandæ. Admiscuit &c.†*

ROFFEN.

*Naturaliter Christus habitat in nobis.‡* Not onely in unities and charities but really in his benefittes.

CICISTREN.

If the body taken of the Virgyne Mary be Christ.

WIGORN.

We are commanded to drinke blood, which in the olde lawe was forbidden. The doctors alleged muste be understande as they speak playnlye.

## [Fol. 28b.]

ROFFEN.

EUSEBIUS. *Invisibilis sacerdos convertit visibiles creaturas in substantiam naturæ suæ id est in substantiæ proprietatem.§*

SMYTH.

ORIGENES. Yf it did sanctifie of its owne nature then it doth make hollye the wicked man that doth receive the sacrament.||

DURHAM.

Denyeth that booke to be of Origen's wourkes.

ELIEN.

Erasmus saythe it is Origen.

LONDON.

*Scrutamini Scripturas.¶* As we seke and here, whate shall we do then, when we have serched? Beleve. Then we muste. What shall we do then? Marye there abyde, and go no further, then our holly fathers that

\* The Word, flesh, i.e. Christ.

† Cranmer's Works, I.-160.

‡ *Ibid.*

§ Jewel's Works, I.-519.

|| Cited in Hebert on Lord's Supper, p. 100.

¶ Search the Scriptures.

[Fol. 29a.]

have serched and come to the belief muste be followed.  
They have founde yt; we shulde not then go seke it  
styll, but followe theym, and beleve as they did.

SMYTH.

ORIGEN. *Si comederimus non abundamus, neque si non comederi-*  
*mus quicquam nobis deerit.\**

LICHEFIELD.

Denyeth his conversion, which was supposed to be by  
his wordes that he spake uppon Munday; and beleveth  
that it is no grosse bodye, but a naturall body that is  
glorified, and not onely in vertue and spirite; but faithe  
receaveth both the vertue and the naturall body also.

CANTOR.

ORIGEN  
vel There is *Littera quae occidit* † in the olde and the newe  
Testamente.

[Fol. 29b.]

CIRILLUS In the newe this is (*Littera occidit*), whan Christ gave  
his bodye. To take it literally the Breade and wyne are  
not chaunged outwardly but inwardely, as we are  
chaunged to be newe men, yet are wee men still.

Thowe arte made God's Sonne, and Christ dwellith  
in thy mynde. The chaunge is inwarde, not in the  
brede, but in the Receyvor.

To have Christ present really here, when I may  
receave hym in faith, is not avayleable to do me goode.

Christ is in the worlde in his divinite, but not in his  
humanitie.

The propertye of his Goddhed is everywhere, But his  
manhood is in one place onely.

VIGILIUS  
CONTRA  
EUTICAM.

Theis heretiques denied that he was verye man.

\* Exodus xvi.-18.

† The letter that killeth.

## [Fol. 30a.]

Twoo natures in Christ hath ben ever receaved of the Churche.

DUNELMENSIS.

CHRI-  
SOST.  
& BASIL.

Authors say that Christ is here invisible; that doth appere by the *Canon* in theyre masses.

*Ut visibiliſ Christi natura invisibilis ſit in Sac[r]amento.\**

CANTOR.

But his body is not here invisible.

And there is in the begynnynge of Chrisostome's masse a prayer to hymself which proves that it was not his masse.

But this is the mynde of olde auneynt auctors concerning *Hoc est Corpus*, whether Christ ment this to be his body or breade.

CIPRIAN  
EPIPHA.

Suche breade calleth Christ

## [Fol. 30b.]

his body as is common among us, made with flowre and water, and wyne lykewyse. Suche breade as fedes the body, that cannot here nor see, but rownd, brode, thicke and white.

It is materiall breade that hath theis qualities; his body was not so.

As the baker maketh it, So dothe the alter describe† yt. Theis saye Christ called such breade his body.

If yowe understande *Hoc*, this bread, than bread was his body. And if this wourde dothe not signifie breade, Christ saide not that breade was bodye.

WIGORN.

RESPON.

They keape the name as it was before it was converted and Christ dyd it in a thought.

\* That the visible nature of Christ may be invisible in the Sacrament This misquotation was *not* due to "Tonstal's *De Veritate*, fol. 35." cf. Jewel, III.-486.

† This old form of "describe" occurs also in *Piers Plowman* and *Spenser*. The argument is expanded in Gibson's *Preservative*, IX.-271, Ed. 1848.



[Fol. 31a.]

CANTOR.

Where calles Christ breade his bodye ?

"This glove is my cappe"; who wold beleve yt excepte he see yt turned.

DUNELMENSIS.

The example of a capp is a mortall man's example. But Christ saied it, that myght turne yt in a moment.

CANTOR.

It was naturall breade, but nowe no comon breade for it is separated to another use. Because of the use it may be called brede of lief.

That which youe se is breade and wyne. But that which you beleve is the bodye of Christ.\*

AUGUST. We muste beleve that there is breade and the bodye.

[Fol. 31b.]

LINCOLN.

Twoo things were touched nowe.

One, an answer to my Lorde of Canterbury which is this: That it is called breade, because it was called breade. As "the blynd dothe see." The disciples of John sawe theym that were blynde see; therfore they beleved it because they knewe theym blynde before. Lykewyse of bredd, my senses see it is breade.

The other was, the omnipotencye of God. That we shulde beleve it there bycause that Christ dyd saye it.

AUGUST. But *Deus is sic omnipotens ut rationis institutum [non] evellat.*†

Yt shuld be seen and appere, yf he had ment so. Ffor he is omnipotent and colde have donne yt.

ROFFEN.

Yt is carnall reason that letteth

\* Sermo, 272, ed. Migne. G.

† God is omnipotent in such wise that he may not overthrow the law of reason.

## [Fol. 32a.]

us. Carnall reason cannot beleve that breade is his body. Therefore grossely he imagineth, that thinketh breade remayneth no more. A sacrament or misterye is not a *Do this in the remembraunce of me*. It was instituted then a certen commemoration of his body.

The question is not whether he might do so or not; but whether he hath done it or not.

*Baptismus nos salvat*; \* not the Baptysme, but the Holly Ghooste which is offred unto us at oure regeneration.

*finis.*

---

\* 1 Peter iii.-21.



THE CATHOLIC DOCTRINE  
OF  
EUCCHARISTIC SACRIFICE:

*WHAT IS IT?*

BY  
J. T. TOMLINSON

---

"Christus semel pro peccatis nostris mortuus est . . . ut *nos* offeret Deo." 1 Pet. iii.-18 *Vulgat.*

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# The Catholic Doctrine of Eucharistic Sacrifice—What is it?



THE phrase "Catholic Doctrine of Eucharistic Sacrifice" is very familiar, but can any body say exactly what it means?

The Bishop of Manchester asked his Diocesan Synod in 1874—"If in ministering the holy sacrament of the Lord's Supper they offered a propitiatory sacrifice, what was the *act* by which they offered it, and when was the *moment* they offered it?" Upon the answer to these two questions depends a third, viz., "What is the *thing* supposed to be offered."

One school of English theologians holds that the "offering" takes place *before* "consecration," and is an oblation of mere bread and wine, considered (either as portions of the offertory,<sup>1</sup> voluntary thank-offerings of man's food, the first of God's providential<sup>2</sup>

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<sup>1</sup> Προσφοράς τῇ ἐπισκόπῳ προσφέρειν. Const. Apost. II., 27.

<sup>2</sup> So Irenæus says, "We make an oblation to God of the bread and the cup of blessing, giving Him thanks in that He hath commanded the earth to bring forth these fruits for our nourishment; and *then, when we have perfected the oblation*, we invoke the Holy Spirit, that He may exhibit this sacrifice, both the bread the Body of Christ, and the cup the Blood of Christ, in order that the receivers of these antitypes may obtain remission of sins and life eternal."—Vol. II., p. 176, Clark's Ante-Nicene Library.

gifts, or) as memorials to mankind of the unique sacrifice of the body and blood of Christ which had been offered once for all on Calvary. They hold "that Jesus has been once offered, *that He can never be offered again*; but that, after the custom of a sacrifice, we present unto God bread and wine before His altar; and that upon bread and wine so offered we make a feast, recording the original and real sacrifice."<sup>3</sup> Canon Trevor<sup>4</sup> and Canon Meyrick may be taken as the recent representatives of this school which claims sanction from the earlier Fathers, the Anglican writers of the 17th century, and the "Ancient" Liturgies which place the "oblation" *before*<sup>5</sup> that "Invocation of the Holy Ghost" upon the elements, to which the Eastern Church has always attributed "Consecration."<sup>6</sup>

On the other hand the newer school founded by Robert Isaac Wilberforce places the "offering" at a later point of the service. Archdeacon Freeman<sup>7</sup>

<sup>3</sup> *The Eucharist, its History, Doctrine, and Practice.* By W. J. E. Bennett, 2nd edit., 1846, p. 21; cf. 3rd edit., pp. 24, 225. For Mr. Bennett's subsequent change of views, see B. W. Saville's Letter to Maskell, p. 16.

<sup>4</sup> *The Catholic Doctrine of the Sacrifice and participation of the Holy Eucharist*, 1869 (Mozley).

<sup>5</sup> Professor Cheetham's Article on "Canon of the Liturgy," p. 271 of Smith's *Dict. of Christian Antiquities*. Prebendary Sadler in *Church and the Age*, p. 294. Neale's *Liturgies*. Pref. xiii. Riddle's *Christian Antiquities*, p. 420.

<sup>6</sup> See Basil Popoff's *Origin of the Roman Catholic Liturgy and its difference from that of the Orthodox Church*, p. 32 (Masters). According to this writer "the opinion on the time of consecration of the Host" constitutes the main difference between East and West as to the Eucharist, p. 25. "Immediately after these words,' viz., the Invocation, 'is the change of substance.'" Conf. Orthodox. Kimmel, p. 180. Scudamore, *Notitia Eucharistica*, 578. Jewel's *Works*, P. S. edit., II., 789.

<sup>7</sup> *Principles of Divine Service*, Vol. II., pt. 2, pp. 461, 463.



supposes it to coincide with the words of Institution ; Mr. Carter places it, as “a *further* act, after their change by Consecration”<sup>8</sup> ; Mr. Scudamore says it “must of necessity have place either at the time of the Consecration *only*, and be to *some* extent coincident with it, *or* both then and after.”<sup>9</sup>

But as Bp. John Wordsworth has pointed out, “Our Lord used a form of words, in Blessing both the Bread and the Cup, *which has been wholly lost*, and on which the Church seems never to have laid any stress.” . . . By “blessing” early writers “clearly mean not so much an act of consecration as blessing God for His gift of this spiritual food . . . The words ‘sanctification’ or ‘consecration’ are, I think, hardly found in the first two centuries as descriptive of the Eucharistic action.” (*Visitation Addresses*, 1891, pp. 95, 96.)

Mr. Sadler still more vaguely “connects the sacrificial action with the whole service.”<sup>10</sup> In answer to the question, ‘In what part of the whole Eucharistic Service does the actual sacrifice take place’? He says, “This is a matter of far more difficulty than some of the most strenuous advocates of Catholic views suppose, for not only are one-half of those who hold sacrificial views at variance with the other—the East with the West—but the most widespread Liturgical forms have, on this matter, no unity in themselves, but present to the attentive reader the greatest imaginable anomalies.”<sup>11</sup> Moreover, he assures

<sup>8</sup> *Doctrine of the Priesthood*, p. 38, 2nd edit.

<sup>9</sup> *Notitia Eucharistica*. 2nd edit., p. 646.

<sup>10</sup> *Church and the Age*, edited by [Abp.] Maclagan, p. 283. *One Offering*, p. 6.

<sup>11</sup> *Church and the Age*, p. 282.

us that "amongst Romanists there is the greatest possible difference in their apprehension of the Eucharistic Sacrifice."<sup>12</sup>

Under these circumstances the only thing which would seem to be quite clear is that there is *no* 'Catholic,' *i.e.*, universally received, doctrine on the subject.

The divergence of thought is concealed by looseness of phraseology. Not one 'theologian' feels it necessary to define exactly what he means by "offering," "presenting," or "re-presenting." An outward material sacrifice can, of course, only be "offered" by some outward bodily act. Yet "no single feature of any form of celebrating the Eucharist bears the smallest resemblance to any feature of any Jewish sacrifice."<sup>13</sup> Elevation, waving, sprinkling, burning, and the like are all missing from the "original institution." And this is the more striking since we are told<sup>14</sup> that the Eucharistic oblation was "prefigured by the various similitudes of sacrifices in the time of nature, and of the law." The English Prayer Book is in this respect as bald and naked as the story in the Gospels. Mr. Berdmore Compton says,<sup>14a</sup> "The first characteristic of this, as one of the Catholic Liturgies, is that there is no separate offering or

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<sup>12</sup> *One Offering*, p. 188. See below, Note 20.

<sup>13</sup> *One Offering*, p. 127; compare pp. 21, 40, 142, 146.

<sup>14</sup> Council of Trent., Sess. XXII., cap. I. So the Rev. Orby Shipley, *Tracts for the Day*, No. I., p. 25, says, "The Catholic Priest at the altar offers the adorable sacrifice, of which the bloody holocausts under the law were but shadows." Mr. J. H. Blunt in his *Key to Ancient Church History*, p. 56, calls the Lord's Supper "the fulfilment and *continuation* of the sacrifices of the elder Dispensations."

<sup>14a</sup> *Sermons on the Catholic Sacrifice*, p. 131.

oblation of the outward part of the Catholic Sacrifice." In the First Book of Edward VI. "every expression which implied a real and proper sacrifice had been carefully weeded out"<sup>15</sup>; in the Second Book of Edward every allusion to an "altar," or to a *material* sacrifice was finally got rid of; and at the last revision, Convocation rejected Bishop Cosin's proposal to insert as a rubric "the Priest shall *offer up* and place upon the Table . . . bread and wine."<sup>16</sup>

So again, as to the term "Sacrifice." No two writers agree in their definitions of it; indeed some writers vary their own definition from time to time.<sup>17</sup> "In the New Testament no directly sacrificial language is applied to the Eucharist."<sup>18</sup> But sacrificial language is directly applied in more than one hundred<sup>19</sup> passages of the New Testament to spiritual acts of self-surrender. "Taking our meaning of the word 'sacrifice' from the things which are called sacrifices in the Old Testament, and from the common signification of the word which prevails amongst us, there is no actual sacrifice whatsoever in the Eucharist. In the sacrifices of the law there was either the taking away of life, or the destruc-

<sup>15</sup> Canon Estcourt's *Dogmatic teaching of the Book of Common Prayer on the subject of the Holy Eucharist* (Longman's), p. 40. He proves this by printing in parallel columns the Sarum Missal, and the Communion Office of 1549; cf. Sadler in *The Church and the Age*, p. 305.

<sup>16</sup> Parker's *History of Revisions of the Prayer Book*, p. 200. This refusal is the more to be noted because permission was given *at the same time* to "present" the alms.

<sup>17</sup> *ex. gr.*, Mr. Sadler, *One Offering*, pp. 93, 131, 136.

<sup>18</sup> *Church and Age*, p. 277. "Unsacrificially sacrificed" is a phrase employed by Theologians for greater clearness, *Ibid.*, p. 278.

<sup>19</sup> Cave's *Scriptural Doctrine of Sacrifice*, cap. X., gives the passages at length.



tion total or partial of the thing offered.”<sup>20</sup> So St. Paul argues in Hebrews ix.-26.

The destruction of “substance” was supposed to be effected at Mass either by Transubstantiation, or by digestion; hence “The essence of the Roman Sacrifice doth consist according to the doctrine of their own schools, either in the consecration alone, or in the manducation alone, or both in the consecration and participation, *but not at all either in the oblation before consecration, or in the oblation after consecration.*” Abp. Bramhall in *Tracts for the Times*, No. 81, p. 133.

A further ambiguity arises from the use of the word “Eucharist,” which continued to be employed in its original sense of “thanksgiving” long after it had been

<sup>20</sup> *Church and Age*, p. 277. For more recent theories see *Guardian*, Sept. 22nd, 1897, and the Summary of Mr. Lacey’s paper given in Tract 244 of the Church Association. In answer to the question, “What is the Essential Action in a Sacrifice?” some say the “eating,” some the “breaking,” some [like Lord Halifax], the “Verbal Oblation.” On that last suggestion Mr. Lacey said “But this is not by Christ’s institution: therefore it is neither necessary nor yet of the essence.” To the question “In what sense is there an offering in the Consecration?” *Suarez* places it in the *destruction of the bread*: *De Lugo* in the lower condition which Christ assumes by becoming edible [*sic*]: *Lessius* in the separation of the “body” and “blood,” because separation of these would naturally lead to death: *Franzelin* in the loss of all the functions and natural properties of humanity: *Vasquez* in the representation of a death: *Bossuet*, *Scavini*, and *Billot* in a symbolic immolation: but Br. Lacey himself concluded that the sacrificing-priest by putting on the altar the “Body” and “Blood” as sacramentally separate “signifies His death consummated on the cross by the shedding of blood, and proffers it [what?] to God in worship, and AS A PROPITIATION FOR SINS.”

For other opinions see Liguori’s *Moral Theology*, Lib. VI., Tract 3, note, 305, 306. And Bp. Gibson’s *Preservative*, Vol. VI., p. 273, Ed. 1848. G. H. Forbes’ *Christian Sacrifice*, pp. 175-83.

adopted as a title of the sacrament. Thus, Justin Martyr refers the consecration to the *previous* "thanksgiving" whereby, he says, the bread and cup had been "Eucharistised."<sup>21</sup> He tells us that "prayers and giving of thanks" were "the only perfect and well-pleasing sacrifices to God," and were offered "AT the Eucharist *of* the bread and cup," or as he also expresses it (like Irenæus) "AT the calling to mind of their food both dry and liquid."<sup>22</sup> So the Didachè, chap. ix., describes the "giving of thanks" as "with regard to (περὶ) the cup and the broken fragments." Such a sacrifice, *at* the Eucharist, of "ourselves, our souls, and bodies to be a reasonable, holy, and lively sacrifice" which we "offer and present" unto God "under the form of" prayer, alms, thanks, and praise is affirmed by Waterland<sup>23</sup> to be the only "Eucharistic sacrifice" which has been received "always, everywhere, by all."

But this view is carefully repudiated by Mr. Sadler, who says, "Of course this is no part of the original institution."<sup>24</sup> "We must carefully distinguish between that which actually constitutes the Eucharist itself, and without which it would not be the Holy Thing which

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<sup>21</sup> Apol. 65. So our Lord "Eucharistised," or "blessed," *before* He pronounced the elements to be to their recipients, His "Body" and "Blood."

<sup>22</sup> Trypho. 116, 117, ἐπὶ τῇ εὐχαριστίᾳ—καὶ ἐπ' ἀναμνήσει τῆς τροφῆς αὐτῶν. See above, note 2.

<sup>23</sup> *Review of the Doctrine of the Eucharist* (Clarendon Press, Oxford, 1868). Reprinted with a Preface by Bishop Jackson, "at the request of the Archbishops of Canterbury and York." Melancthon's *Apology*, p. 257, Edit. 1584, defends this view. See Clement of Alexandria, Ambrose, Hilary, and Cyril of Jerusalem, as cited by Dr. Malan, *Two Holy Sacraments*, p. 200.

<sup>24</sup> *One Offering*, p. 111.

Christ ordained, and the service of prayer and praise in which the devotion of the Church has enshrined it.”<sup>25</sup> “If the Eucharist be in any true and proper sense a Sacrifice of praise, it must be this independently of any acts of praise and thanksgiving which may accompany its celebration, but which are separable from it, and are not essential to its valid administration. The actual Eucharist consists in simply doing what Christ did.”<sup>26</sup> “There is not a single word respecting any prayer or thanksgiving, or confession of sin, as forming a necessary part of the ceremony or ritual of any Jewish sacrifice.”<sup>27</sup> On this view, nothing can be more purely material and outward than the “Eucharistic Sacrifice,” which is said to be “offered *by the hands* of Christ’s Priests.”<sup>28</sup>

If so, there ought to be no room for doubt either as to the “act” or the “moment” of the “offering,” since assuredly no room for doubt was left as to the meanest rite of the Levitical system.

Yet it seems to be admitted that there is great want of clearness on this point in the “original institution,” although it is at the same time held that the

<sup>25</sup> *One Offering*, p. 6. <sup>26</sup> *Ibid.*, p. 107. Dean Howson (*Before the Table*, p. 111) says, “Is there not some confusion of thought in speaking of the Holy Communion as *in itself* an act of worship? It seems to me that worship in this case is collateral and co-ordinate, and that the Lord’s Supper itself is a memorial, a communion, a proclamation of truth, and a conveyance of grace.” The same thought is well worked out by the Rev. W. G. Tucker, in a shilling pamphlet published by Elliot Stock, entitled *Sursum Corda*.

<sup>27</sup> *One Offering*, p. 121.

<sup>28</sup> Petition of 483 clergymen to Convocation, *London Guardian*, May 28th, 1873. So Bellarmine and Maldonatus define “sacrifice” as the external oblation of a sensible thing. Drake’s *Teaching of the Church*, pp. 159, 160.



celebration of the Eucharist was "the only stated act of worship for which Christians met in New Testament times!"<sup>29</sup>

Cardinal Bellarmine says, "The oblation which follows consecration, belongs to the integrity of the Sacrifice, but not to its essence. This is proved by *our Lord not having made that oblation*, nor even His Apostles, in the beginning."<sup>30</sup> Cardinal Baronius ranks the Eucharistic Sacrifice among the things established by Church Authority or Tradition alone.<sup>31</sup> Canon Carter, who devotes a chapter to prove that offering the Eucharistic Sacrifice is "the chief function of the Ministerial Priesthood,"<sup>31a</sup> says, "Scripture is, in truth, silent as to the specific ministrations, as well as to the distinctive name of the second order of the ministry."<sup>32</sup> And Mr. Sadler admits that his own view "is not asserted in so many words in Scripture."<sup>33</sup> As to Tradition, the *first* links in the chain are confessed to be wanting. Mr. Scudamore says, "At first the rite was called a sacrifice on account of the material offerings presented *at it*."<sup>34</sup> He says, "It does not appear that the Eucharistic Commemoration of the sacrifice of Christ was spoken of as an offering before the third century."<sup>35</sup> In the writings of Cyprian "we see a change *in progress*. The commemoration of the self-oblation of Christ on the Cross *begins to be* spoken of

<sup>29</sup> *One Offering*, p. 12. Archdeacon Freeman, *Principles of Divine Service*, Vol. I, pp. 152, 190, 193, refutes this theory.

<sup>30</sup> De Missâ I., 27-5. *Disputations*, Vol. III., p. 791, edit. 1620.

<sup>31</sup> Annal. ad A.D. 53.

<sup>31a</sup> *Doctrine of the Priesthood*, 2nd edit., revised, cap. 15.

<sup>32</sup> *Ibid.*, p. 119. <sup>33</sup> *One Offering*, p. 162.

<sup>34</sup> Notitia Eucharistica, p. 14. <sup>35</sup> *Ibid.*, p. 12.

as an oblation itself."<sup>36</sup> Mr. Drake, in his Norrisian Prize Essay on "The teaching of the Church during the first three centuries on Sacrifice," rests his sacrificial theories upon the principle of Development. It was "developed *gradually* by the good Spirit of God in the minds of thinking men"<sup>37</sup>; it "could only be revealed when outward impediments were removed"<sup>38</sup>; "as long as the Church was comparatively pure the sacerdotal element would be correspondingly dormant"<sup>39</sup>; and it was not till the Church "had learnt that Christ's second coming was to be delayed, that the ritual of Heaven was brought down to earth."<sup>40</sup>

<sup>36</sup> Notitia Eucharistica, p. 13.    <sup>37</sup> P. 68.    <sup>38</sup> P. 104.

<sup>39</sup> P. 136. The Monk Joannes Phurnes, circ. A.D. 1100, said, "Wherefore, since the Church of God ever advances towards that which is better, we find that the work of a priest and the Communion of the Holy Bread has been advanced towards improvement, even till the present time. For those that were before us did not celebrate this at set times, nor did they partake of it fasting as it seems." (Cited in Bp. Kingdon's *Fasting Communion*, p. 46.)

<sup>40</sup> P. 26. Compare pp. 134-6, 140. From the same fact it has been inferred that the influx of adult converts was steadily leavening the Church with Pagan and Jewish modes of thought; while the urgency of the Offertory in an unendowed society led to impassioned appeals (like that of Cyprian "On work and alms," § 21) for increased "gifts" and "offerings." See Const. Apost., Bk. II., § iv., xxv. Hatch, Bampton Lectures, pp. 40, 47, 127. Both of these tendencies converged upon the bread and wine which soon came to be the only things actually "offered" in public. See the Fifth "Apostolic Canon." Hence the pomp of the "Great Entrance" of the *unconsecrated* elements, observed not only by the Greek Church but also by the Copts, Syrians, and Æthiopians. (Scudamore, *Notitia Eucharistica*, p. 381.) The Church, as the Body of Christ, thus symbolically offered herself. "In that oblation which she offers, her-SELF is offered." (Augustine *De Civitate Dei*, lib. x, cap vi. & xx. Compare Cyprian Ep. lxiii.) "There ye are on the table, and there ye are in the cup." (Bede, on 1 Cor. x.-17.) Compare Fulgentius in Waterland's *Christian Sacrifice explained*, Appendix II.

In particular, he notes "that with one exception, no Christian writer previous to Origen traces any connection between the Sacrifice of the Eucharist and the old Jewish Sacrifices."<sup>41</sup> The connection might indeed have been somewhat hard to "trace." It is not enough to say that no one detail of "the original institution" was in any respect like any detail of any Jewish Sacrifice: every detail was in direct violation of the fundamental principles of the entire Levitical system. According to Jewish usage bread and wine were not offered in connection with Sin or Trespass Offerings<sup>41a</sup>; but this, if an offering at all, was essentially one of "blood shed unto the remission of sins."<sup>42</sup> The great sin offering might not be eaten by any Jew, be he Priest or laic<sup>43</sup>; but of this, it was said, "Drink ye all." No blood might be drunk by any Jew; but the new Covenant was to be ratified to each individual by his "drinking the blood" of the Covenant Victim. Nothing which had once been offered on a Jewish altar ever came off again, or was eaten by Priest or layman. Especially was the "memorial" in *every* sacrifice to be *destroyed* by fire. The "Memorial" might never be partaken of by any Israelite. The blood of the Paschal lamb "was to be poured forth, and sprinkled (2 Chron. xxx.-16; xxxv.-11), yea, and offered to God" (Exod. xxiii.-18; xxxiv.-25)<sup>44</sup> by Priests in the Temple, before the rest of the victim, *which had not itself been offered* on the altar, could be eaten at a feast, presided over by a layman, in his private house. So, the idol feasts might

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<sup>41</sup> P. 140.

<sup>41a</sup> Num. v.-15, Levit. vi.-11, are exceptional, illustrating the Divine compassion "I will have mercy and not sacrifice."

<sup>42</sup> St. Matt. xxvi.-28. <sup>43</sup> Hebrews xiii.-10. <sup>44</sup> Waterland, p. 321.



be held in private houses, the worshippers being said to be "partakers *with* the altar,"<sup>45</sup> *i.e.*, the altar got one part, the worshippers the rest. In the strongly anthropomorphic language of the Old Testament, the altar was called God's "Table," and the offerings laid thereupon were held to be the "food" or "bread" of God.<sup>46</sup> But not even the Priests, the servants of the King's household, were permitted to use the altar as the communicants did their Supper Table "at the institution" of the Eucharist. An Eastern monarch fed in isolated grandeur at a Table "by himself."<sup>47</sup> Hence the "Table of Jehovah" of the Old Testament had nothing in common with the "Table of the Lord" of the New. At the "Table of Jehovah" no guest might approach (Num. xviii.-7), and even the priests merely "served" (Ezek. xlv.-16): at the Lord's Table the "Stewards" presided, and distributed to the children of the house the viands provided for them by their ascended Master. But in every case the principle held good that no other offering could be presented until the sin offering had been first offered and accepted<sup>48</sup>; and that no feast upon a sacrifice could begin until God had had His

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<sup>45</sup> 1 Cor. x.-25, 27, 28. See Alford *in loco*.

<sup>46</sup> Levit. iii.-11, 16; xxi.-6, 8, 17. Num. xxviii.-2. (Ezekiel xli.-22=Altar of incense, not of propitiation, as in Rev. viii.-3.) "The altar might be thought of as God's table; but not, conversely, a table as God's altar" (Bishop Fitzgerald's Charge, 1867). "It is true, an altar is nothing but a Table; but it is a table upon which God Himself eats, consuming the sacrifice by His holy fire: but when the same meat is given from God to us to eat of, the relation being changed, the place on which we eat is nothing but a Table." Cudworth's *True Notion of the Lord's Supper*, p. 28.

<sup>47</sup> Gen. xliii.-32.

<sup>48</sup> Jukes' *Law of the Offerings*, p. 130. Cave's *Doctrine of Sacrifice*, p. 128.

share, *i.e.*, until the sacrificial offering had ceased, the Memorial having been first consumed by fire in token of acceptance. Hence, if the Lord's Supper be regarded as a feast upon a sacrifice, it would, on Jewish principles, necessarily imply that the sacrifice was not *being* "continued" nor *being* "presented," but that the offering had already ceased. To "*re-present*" an offering would imply that it had been previously rejected: whereas "feasting" and "holding communion with" God implied that the Deity had been *fully* propitiated beforehand.

The Prophecy of Malachi that "incense and a pure *Mincha* should be offered"<sup>49</sup> among the Gentiles, if intended to be literally interpreted and to refer to the "Eucharistic Sacrifice" would, we can hardly doubt, have been uniformly so understood by Christians, and

<sup>49</sup> Mal. i.-11. (Compare Dan. ix.-27; Isaiah lxvi.-20.) It belongs to the same class as the prophecy in Jeremiah xxxiii.-18, of "burning and kindling" in Gospel times. Professor Swainson observes on the Liturgy of St. James that "when the word *καρπώματα* was used the knowledge must have died out that in the Septuagint it almost invariably represents offerings made by fire" (Greek Liturgies, p. xxxix). Dr. Vogan (*True Doctrine of the Eucharist*, p. 352) observes that *Wine* did not form any part of the 'Mincha' proper, and was only added with it to the burnt offerings. Kurtz, *Sacrificial Worship of O. T.*, observes that all the wine was poured out as a libation, none drunk. A mixture of oil, salt, and flour or meal, with a lump of frankincense on the top was a strange "type" of the Lord's Supper, which Mr. Sadler (*One Offering*, p. 127) admits it did not "resemble in the smallest degree." The word 'Mincha' sometimes included blood offerings (*ex. gr.*: 2 Kings, iii.-20; Dan. ix.-21); but was used especially of the *evening* sacrifice (1 Kings xviii.-29, 36; Psalms cxli.-2), as Bp. Kingdon conclusively proves in his *Fasting Communion*, p. 331. Would that be thought a valid argument for "Evening Communion?" No part of the Mincha was ever eaten except by Priests. (Smith's *Dictionary of the Bible*, voce "Meat Offering".)

placed in the forefront of their Liturgies. In fact, the only "ancient" Liturgy which does cite the passage,<sup>50</sup> understood the "incense" literally. Not one of the Fathers, however, took the "Incense" to be literal; and its use was certainly not primitive.<sup>51</sup> Justin Martyr loosely applied the text to the Eucharist, as he did the oblation of fine flour at the cleansing of the leper;<sup>52</sup> but Tertullian,<sup>53</sup> Clement of Alexandria,<sup>54</sup> Origen,<sup>55</sup> Cyprian,<sup>56</sup> Eusebius,<sup>57</sup> and Jerome<sup>58</sup> quote the text as referring to the "rendering of glory, benediction, praise, and hymns"; of "sincere prayer from a pure conscience," the "prayers of the saints," and "the wills of those who offered." It should be added that it is very doubtful whether Mal. i.-II was predictive, for reasons very cogently urged by Mr. Harris Winter in his learned pamphlet *Incense viewed from Scripture and History*. (M'Gee, Dublin. 15.)

Dr. Littledale believed that the Altar of Incense was "the true type of the Christian Altar."<sup>59</sup> Archdeacon Freeman,<sup>60</sup> however, held that the "pure offering" of Mal. i.-II was the Shewbread. But the "table" of Shewbread was not called an Altar, nor was the bread offered in sacrifice; though the frankincense laid

<sup>50</sup> Viz., the so-called "Liturgy of St. Mark" (the only extant MS. of which is of the 11th or 12th century), of which Mr. Drake says (p. 155) "we have absolutely not a tittle of evidence that, in its present form, it was ever used in any Ante-Nicene Church."

<sup>51</sup> Scudamore, *Notit. Euch.*, p. 145.

<sup>52</sup> Trypho. c. 41.

<sup>53</sup> *Against Marcion* III., § 22 & IV. 1. Answer to the Jews, cap. v.

<sup>54</sup> *Stromata*, V., 14; vii.-6. (Clark's translation ii.-428, 430.)

<sup>55</sup> *De Orat.*, c. 20, p. 130, ed. 1685.

<sup>56</sup> *Testimonies against the Jews*, I., 16. <sup>57</sup> *Demonstr.* I., vi.

<sup>58</sup> On Mal. i.-10.

<sup>59</sup> *The North Side of the Altar*, 3 edit., p. 6. See below p. 38.

<sup>60</sup> *Principles of Div. Serv.*, II., 188.



thereon<sup>61</sup> was “offered *by fire*” to serve as a “memorial” and before the quasi-sacramental *eating* of the bread. This no doubt was effected at the weekly change of the loaves. No layman’s eye beheld these loaves which lay in the light of the sacred candlestick representing the twelve tribes before the “face” of God. Mr. Berdmore Compton in his *Sermons on the Catholic Sacrifice*, p. 186, rejects the idea that the Shewbread was a type of the Eucharist. No thought of “remission of sins” belonged to the Shewbread. None might eat of it but Aaron and *his sons*. The Priesthood of the laity, and their immediate access to the Divine Presence, perhaps also weekly communion would be the “teaching of the type,” if the Shewbread prefigured the Eucharist. It may be added that the Table stood with its ends East and West, so that the officiating priest stood with his shoulder toward the mercy seat, but facing North or South.

“The Fathers regard even the Jewish ritual of bloody sacrifices chiefly as a *temporary* concession to human infirmity, ordained through Moses, to withdraw the people from the service of devils; depreciated by the Prophets, to remind them of its intrinsic worthlessness. The mystic offering of Melchisideck is, in patristic theology, the great type of the sacrifice of Christ.” So says Mr. Oxenham.<sup>62</sup>

“But the Fathers are not unanimous. S. Clement of Rome, Ignatius, and Polycarp have no mention of this type. It is not found among the numerous

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<sup>61</sup> Levit. xxiv.-7. See Bp. Patrick’s and Speaker’s Commentaries, and Edersheim’s *Temple Services in the Time of Christ*, pp. 35, 157. Kurtz, p. 318.

<sup>62</sup> *Catholic Doctrine of the Atonement*, p. 75.

similitudes of Barnabas and Hermas. Irenæus is ignorant of it, and Justin Martyr, who ransacked the Old Testament for types, and found the Eucharist in the law and in the prophets, never lighted upon it in the more obvious symbols of Melchisidek. The first to apply the incident to the Eucharist was Clement of Alexandria, and he limits the type to the Communion, without reference to any sacrifice. Tertullian, who speaks of Melchisidek's sacrifice, does not expound it of the Eucharist. Origen, the most learned Hebraist of all, supposed Melchisidek to be an angel, and knows nothing of his sacrifice. S. Cyprian is the first to adduce it as a type of the Eucharistic sacrifice. After him it was held by Eusebius, Athanasius, and Jerome, and so passed into a common opinion. It was never inserted, however, in the Liturgies or decrees of faith till the Council of Trent."<sup>63</sup>

Melchisidek, says Josephus,<sup>64</sup> "showed hospitality to Abraham"; and Philo<sup>65</sup> takes the same view. If so, the bread and wine are "brought forth" by the Mediator, as "*King of Righteousness and Peace.*" Aaron typified the *transient* work of Christ's Priesthood, viz., the atoning, which once accomplished, necessarily "ceased" (Heb. x.-2, 10, 18). Melchisidek typified the *permanent* work of the High Priest, viz., "blessing,"

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<sup>63</sup> Trevor's Catholic Doctrine of Euch., p. 23. Bishop Jewel, Works II., 731. Vogan's *True Doctrine of Eucharist*, p. 393. Waterland, p. 465. Compare Cyril of Alexandria, Contra Julianum, Lib. IX., p. 218.

<sup>64</sup> Antiq. I., x.-2. The LXX, Syriac and Arabic versions agree with the English and R.V. in rendering Gen. xiv.-18 "*And he was the priest.*" Bishop Andrewes and Bishop Pearson denied that "Sacrifice" was intended.

<sup>65</sup> Cited by Vogan, p. 369.

which began when the other "ceased"; and abideth ever. It was after His Passion that our High Priest "received gifts for men, yea even for His enemies, that the Lord God might dwell among them."<sup>66</sup> And it was after His Ascension that He "gave gifts to men."<sup>67</sup> He not only "abideth a Priest continually,"<sup>68</sup> but His Priesthood is "intransmissible,"<sup>69</sup> in which respect He is contrasted with the "many priests"<sup>70</sup> required by the Levitical system. But we are told no more of the *sacrifice* of Melchisidek than we are told of his "beginning of days, or end of life."<sup>71</sup> We may suppose that Melchisidek, if he were a Priest, must "of necessity have somewhat which he may have offered,"<sup>72</sup> and we may conjecture that his sacrifice either consisted of bread and wine (in which case it could not be atoning<sup>73</sup>) or that bread and wine accompanied it, and that he gave Abraham food which had been previously "offered" to God by a "memorial." If so, Melchisidek's sacrifice could not, in accordance with the symbolism of the Old Testament, have been an offering for sin, since bread and wine formed no part of a sin offering (Kurtz, p. 312).

The most undisputed type of the Eucharist is the

<sup>66</sup> Psalm lxviii.-18.

<sup>67</sup> S. Chrysostom says, "it was necessary for our nature to appear in heaven *in completion of the atonement*, and the Holy Spirit to come *then*." Hom. I. in Act. Apost. See also Acts ii.-33, Eph. iv.-8, John vii.-39, xvi.-7.

<sup>68</sup> Heb. vii.-3. <sup>69</sup> Heb. vii.-24—margin.

<sup>70</sup> Heb. vii.-23. <sup>71</sup> Heb. vii.-3; cf. Dean Brevint's *Depth and Mystery of the Roman Mass*, p. 239.

<sup>72</sup> Heb. viii.-3. The tense of the verb is concealed in the English. See Heb. v.-7, ix.-14, x.-12, xi.-4, where the same verb is used in the same tense. <sup>73</sup> Levit. xvii.-10, 11. Heb. ix.-22.



Passover. "Christ is our 'Passover,' as the name stands for the lamb: the Eucharist is 'our Passover,' as that same name stands for the feast, service, or solemnity."<sup>74</sup> The "original institution" to which Mr. Sadler refers us, connects the Lord's Supper directly with the *feast*, but only indirectly with the *sacrifice* of the Passover. The victim had indeed been offered by a Priest at a different time and in a different place, and the offering had been accepted before the feast began. It was just because the sacrifice had ceased that the feast could be held. "Christ being raised from the dead, dieth no more: death hath no more dominion over him" is the Easter Anthem of the Communicant. And so St. Paul urges "Christ our Passover *has been* sacrificed for us (ἐτύθη) *therefore* let us (again and again) keep the feast" (ἐορτάζωμεν).<sup>75</sup> The eating of the "one loaf"<sup>76</sup> and drinking of "the fruit of the vine" at a feast in a private house, presided over by a layman, upon a victim which had been previously slain, and of which the "memorial" had been previously offered to God upon an altar—was not a "sacrifice," nor an "offering," nor even primarily an "act of worship," but a covenant feast. It was this Paschal *feast* to which the Fathers (cited by Mr. Scudamore<sup>77</sup>) liken the Eucharist. And it deserves notice that the merely commemorative Passovers differed from

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<sup>74</sup> Waterland, p. 34.

<sup>75</sup> I Cor. v.-7. <sup>76</sup> I Cor. x.-17; *cf.* Notitia Eucharistica, p. 874, note.

<sup>77</sup> Notit. Euch., p. 444. The victim which had been *previously* sacrificed is sometimes called "a sacrifice"; but this, of course, does not imply that a sacrificial offering of it was in the act of being made at the feast.

the first Passover by lowering the sacrificial and bringing forward the purely festive character of the rite. Of the first it is said, "the elect family, with shoes on their feet, and their loins girt ready for flight from Egypt, are standing by night within the house whose doorposts are sprinkled with blood, while the destroying angel is abroad."<sup>78</sup> But that deliverance having been wrought once for all by the sprinkling of the blood, needed not to be repeated. In the land of promise there was *no* sprinkling either of the doorposts or of the people with blood<sup>79</sup>; they did not now stand with girt loins as wishing to flee, but "lay down"<sup>80</sup> as being no longer "in haste" to leave the Fatherland. "In this festival," says Philo,<sup>81</sup> writing at about the Christian era, 'there is not, as at other times, a sacrifice made by priests of things brought to the altar by private persons; but by the express injunction of the law, the whole nation, collectively, is the priest (*ἱεράται*); every man bringing and offering his own sacrifice, the whole people rejoices and is glad, each one deeming himself to be honoured with the functions of the Priesthood." Exod. xii.-6. From which, Archdeacon Freeman deduces the 'axiom' "that the personal priesthood of the people of God is prior, both in conception and importance, to the ministerial priesthood by which it is gathered up for presentation to God."<sup>82</sup>

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<sup>78</sup> Jukes' *Law of the Offerings*, p. 23.

<sup>79</sup> Malan's *Holy Sacrament of the Lord's Supper*, p. 28 (published by D. Nutt, 270, Strand). Edersheim, p. 90.

<sup>80</sup> ἀνέπεσε. Luke xxii.-14; cf. Notit. Euch., p. 601.

<sup>81</sup> Cited by Malan, p. 36.

<sup>82</sup> Freeman, Vol. II., p. 148. "The mystery of the lamb which

The argument sometimes used for the employment of unleavened bread<sup>83</sup> at the Lord's Supper from its supposed Paschal use at "the institution"<sup>84</sup> would carry with it "evening communions," after a very full meal, in the recumbent posture, women being excluded, the celebrant facing the people, dressed like them, breaking the bread only for distribution, and addressing the communicants in the plural number. All thank-offerings were leavened.<sup>84a</sup> Reservation<sup>85</sup> and non-communicant attendance<sup>86</sup> would seem on like grounds to be contra-indicated.

In the absence of any strictly sacrificial language, we find in the New Testament the whole stress laid upon "eating and drinking." Hooker<sup>87</sup> calls attention to "the very order of our Saviour's words," *first* 'take,

God commanded to be sacrificed as the Passover, was a type of Christ; with whose blood they who believe in Him sprinkle their own houses, *that is themselves*, according to the proportion of faith in Him." Justin Martyr, Trypho. cap. 40.

<sup>83</sup> The use of leavened bread was universal for 1,000 years of the Christian era, and was never entirely disused. (Scudamore, Notit. Euch., 864, 874.) The Greeks, Monophysites, Nestorians, and Abyssinians use leavened bread. (Stephen's Notes on the Common Prayer, p. 1234.)

<sup>84</sup> Archdeacon Freeman admits the probability of leavened bread having been used at the Institution. (P.D.S. ii. 302, *cf.* 272), Greswell (Dissertations, Vol. III., p. 178), Malan (p. 161), Kingdon (*Fasting Communion*, p. 341), and Popoff (p. 39) give the reasons why the use of unleavened bread at the Institution was improbable. Mr. Malan in his *Notes on the wine used at the Holy Eucharist* (*Ibid.*, p. 166), shews that the mixed chalice "is not catholic."

<sup>84a</sup> Edersheim, p. 230. *Dict. Christian Antiquities*, I., 604.

<sup>85</sup> Levit. xxii.-30; Exod. xii.-10, xxiv.-25. <sup>86</sup> Num. ix.-11, 13.

<sup>87</sup> *Eccl. Pol.* V., lxvii.-5. Vol. II., p. 352, Keble's edit. So Scudamore, p. 442. And Tertullian (against Marcion) iv.-40 said "acceptum panem, et distributum discipulis, corpus illud suum fecit, 'Hoc est corpus Meum' dicendo, id est figura corporis Mei."



eat'; then 'this is My body'; the sacred element being already at that time in the hands of the disciples (Matt. xxvi.-26). The "body" had been eaten before the "blood" was consecrated (Not. Euch., 614). No Liturgy contains a ritual "pouring" as of a libation: nor was the *ritual* "fraction" primitive (Not. Euch., 610, 659. Palmer's *Origines Liturgicæ*, pp. 77, 78). Our Lord seems to have waited till "they all drank of it" before saying "this is My blood" (Mark xiv.-23). The Catechism of Trent<sup>112</sup> says "The conjunction 'FOR' has also a place among the words of consecration: *otherwise it would follow* that, if the Sacrament were not to be administered to any one, it should not, or even could not be consecrated." But the English 'Prayer of Consecration' adheres to the evangelists who omitted to add 'For' to the Saviour's words. According to St. Paul it is when we "eat and drink" that we "proclaim"<sup>88</sup> the Lord's death. He carefully

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<sup>88</sup> 1 Cor. xi.-26. Καταγγέλλετε, literally "Ye bring down the message." The word is never employed in the New Testament until after the ascension of our Lord. Mr. Marriott (*Remains*, p. 205) discriminates between the various compounds of ἀγγέλλω. In Deut. xxvi.-3, Psalm xxxviii.-18, the opposite form ἀναγγέλλω to "tell up" to God, is employed. So Justin Martyr (Apol. 65) and Eusebius use ἀναπέμπειν for "sending up" prayers; and the Liturgies of S. James and S. Chrysostom say ἀντικαταπέμψῃ "send down in return." Mr. B. Compton calls attention to the curious fact that those who urge a sacrificial sense habitually misquote the English version as "shew forth the Lord's death." The Apostle's allusion was doubtless to the Paschal custom mentioned in Exod. xii.-26. The form of commemoration in use among the Jews ended, "Therefore are we bound to praise Him who brought us forth from servitude to freedom, from sorrow to joy, from darkness to marvellous light, and we may say before Him, Hallelujah" (Marriott, p. 206). St. Augustine says, "when the victim is broken, and the blood poured into the mouths of the faithful what else is signified than the

turns aside to *avoid* speaking of the 'altar' or the 'offering' as points of parallelism between Judaism (or Paganism) and Christianity precisely where his argument would have been most strengthened by such a direct comparison had it been permissible, as in 1 Cor. ix.-14; x.-7, 21.<sup>88a</sup> Once, indeed, in writing to his Hebrew converts who missed the frequent flesh-feasts which they had left behind them in Judaism, he urges "it is a good thing that the heart be stablished with grace not with meats," which he reminds them "have not profited them that have been exercised therein."<sup>89</sup> He carries back their imaginations from the temple and the city to the "tabernacle"<sup>90</sup> and "the camp"<sup>91</sup>; that is to the first institution of the Great Sin Offering which yielded no "meats," since not even the Priests which "served"<sup>92</sup> might eat thereof. He reminds them that the Christian High Priest and His offering were of the same kind, or rather the Antitype of that. "Let us go forth, *therefore*, unto Him without the camp." Not that there is now any literal "camp," nor literal "altar," for *the* Sin Offering was not really placed upon an altar.<sup>93</sup> Nor does he say "WE" have an

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slaying of the Lord's body on the Cross." (Cited by Jewel, *Works*, II., 730.) The same language is found in Prosper, Gregory the Great, Lanfranc and Micrologus.

<sup>88a</sup> Bishop Lightfoot on the Epistle to the Philippians, p. 263.

<sup>89</sup> Heb. xiii.-9. How large a part these feasts played in domestic life is seen in Proverbs vii.-14; xvii.-1. Heb. ix.-10.

<sup>90</sup> Heb. xiii.-10. <sup>91</sup> verse 11. <sup>92</sup> οἱ λατρεύοντες.

<sup>93</sup> Levit. xvi.-27. The body of the Sin Offering was not taken "without the camp" till the blood had been offered (Edersheim, 284. He remarks that the other three types of the great Sin Offering, viz., the scape goat; the red heifer; and the living bird let loose at the purification of the leper, were all *outside the Sanctuary*, p. 307).

altar as well as the Jews, for the word "we" is not expressed in the original: nor could his one "altar" stand for thousands of "Catholic" altars. Nor, lastly, does he say let us "offer Christ to His high Father,"<sup>94</sup> but "BY Him let us offer the sacrifice—that is the fruit of our lips giving thanks, . . . for with such sacrifice God is well pleased."<sup>95</sup> Our sanctuary is above, our priest above, our sacrifice above. Therefore let us offer such sacrifices as can be presented on that altar."<sup>96</sup>

Cyril of Alexandria,<sup>97</sup> Chrysostom,<sup>98</sup> Aquinas,<sup>99</sup> and Estius,<sup>100</sup> with Bengel and Delitzsch among the moderns, are among those who interpret the "altar" of Hebrews xiii.-10, as meaning (either the Divinity, or) the Cross of Christ, and Bellarmine himself "does not urge that text."<sup>101</sup> But it seems simpler to suppose that St. Paul uses the term altar (like the "temple" in 1 Cor. ix.-13, or the "table" in 1 Cor. x.-21) metonymically for the victim "of which" (not off which) we "have a right to eat." The cup and table "by a figure stand here for food" says Olshausen, "and together signify the repast." Compare Strype's *Cranmer*, E. H. S. edit., 11-254, with Scudamore, Not. Euch. 44, 452, and in Smith's *Dict. Christian*

<sup>94</sup> People's Hymnal, p. 70.

<sup>95</sup> Heb. xiii.-15, *τουτέστι καρπὸν χειλέων ὁμολογούντων*, "giving thanks" refers not to 'us,' but to "our lips." The word "Eucharist" does not occur throughout the chapter.

<sup>96</sup> Chrysostom, Hom. in Heb. xi. See below p. 38.

<sup>97</sup> Cyrill. Alex. cited by Waterland, p. 95 note.

<sup>98</sup> Chrysostom cited by Waterland, p. 95 note.

<sup>99</sup> Cited by Vogan, p. 396.

<sup>100</sup> In Epist. Pauli, p. 1086. See also Jewel's Works II. 718 note, 733.

<sup>101</sup> De Missâ I. xiv. See Poole's Synopsis Criticorum in loco.



*Antiq.*, p. 1060). "For not of the altar, but of Christ Himself are we made partakers" says S. Chrysostom (on 1 Cor. x.-18).

Mr. Scudamore,<sup>102</sup> however, contends that the very words of Institution, "*Do* this in *remembrance*" mean "Offer this (to God) for the Memorial." If so, we should expect to find an uniform tradition from the very first, as to the meaning of these two words. Yet the discovery that to "do" (*ποιεῖν*) meant to "offer" was mainly due to the ingenuity of Cardinal Bellarmine in the sixteenth century, and his suggestion was promptly rejected by learned Romanists.<sup>103</sup> Of those who hold Sacrificial views of the Eucharist, among ourselves, Mr. Sadler, Mr. Cave, and Bp. Walsham How ignore it; Mr. Drake examines and rejects it<sup>104</sup>; and Mr. Hosmer admits that all the Greek and Oriental Liturgies testify "*against* the interpretation of our Lord's words in the sense—'offer this'."<sup>105</sup>

The evidence may be briefly stated as follows: *ποιεῖν* is used 2,465 times in the Septuagint<sup>106</sup> as the equivalent of fifty-two different Hebrew words, and it is translated in the English version by about sixty different English words, *ex. gr.* "to dress a calf" (Gen. xviii.-8), "to trim the beard" (2 Sam. xix.-24). Mr.

<sup>102</sup> Notit. Euch., p. 622.

<sup>103</sup> Estius on 1 Cor. xi.-24. Picherell, in A.D. 1562, cited by Waterland, p. 458. Maldonatus and Jansenius are instanced by Professor Ince (*Letter to Bramley*), and Dr. T. K. Abbott adduces Primasius, Bede, Aquinas, Cardinals Hugo and Cajetan with others. (*Reply to Mr. Supple*, published by Longmans.)

<sup>104</sup> Teaching of the Church, p. 37.

<sup>105</sup> Hosmer's *Hearing Mass*, p. 86.

<sup>106</sup> See Trommius' Concordance to the Septuagint.

Willis, the Vice-Principal of Cuddesdon Theological College, gave a list of sixty-five texts<sup>107</sup> in which *ποιεῖν* is used of the killing, flaying, cutting up, &c., of propitiatory burnt sacrifices. But such "doings" belonged to the office of the Levite rather than to that of the Priest,<sup>108</sup> and could not be predicated of the Eucharist. He gives a further list of eleven texts (*i.e.*, eleven out of 2,465) in which he says *ποιεῖν* is "used with unbloody sacrifices."<sup>109</sup> But the first of these texts, Exod. xxix.-41, clearly belongs to the former category of *bloody* sacrifices. Moreover, in this, as in three other of his instances, viz., Num. xv.-6, 14; xxviii.-24, the word is followed by such nouns as 'offering,' 'gift,' 'sacrifice,' or the like, where the ordinary meaning to "make," or "prepare," is perfectly idiomatic. In three others, the Vulgate agrees with the English version in rejecting the alleged technical meaning, viz., Levit. ii.-11 *fiet*, Num. xv.-5 *dabit*, Ezek. xlv.-14 *faciet*. The Vice-Principal has quoted *the wrong half of the verse* in Levit. ii.-7, where the Vulgate gives 'conspersgetur,' *i.e.*, "shall be tempered" with oil, as the equivalent of the English "it shall be made"; and he has given an imaginary quotation from Levit. ii.-8, where the word *ποιεῖν* does not even occur.<sup>110</sup>

<sup>107</sup> *The Sacrificial Aspect of the Holy Eucharist*, p. 49.

<sup>108</sup> Street's *Rubrics of the Daily Service in the Temple*, p. 11. Ezek. xlv.-11. <sup>109</sup> P. 51.

<sup>110</sup> It may be said that Mr. Willis merely adopted these statements from Bishop Hamilton, who took them from the Scotch Bishop Forbes. But a reference to Scripture would have prevented any repetition of what had been publicly pointed out as a blunder seven years before by Dr. Harrison in his *Answer to Dr. Pusey's Challenge*, Vol. I., p. 113. Canon Girdlestone, in his *Old Testament Synonyms*, 2nd edit., pp. 196-8, shews that the same word was habitually used for "keeping" a feast, and for the action of the *lay* offerers.

So that out of "eleven" instances only two remain, viz., Levit. vi.-22 (compare verse 21) and Num. xxviii.-21, in which possibly (though by no means necessarily) the "doing" related to the peculiar work of a sacrificing Priest. In Ezekiel iv.-9, 15, Gen. xxvii.-17, Eccles. x.-19, Levit. xxiv.-5, the two words ἄρτον ποιεῖν occur together and cannot be supposed to denote any sacrificial idea.

In the New Testament the word ποιεῖν occurs 550 times,<sup>111</sup> and the English version employs thirty different words to translate it. No known version of the New Testament renders the word "offer." Indeed, the Tridentine Catechism says, "what our Lord ordered to be *done* (faciendum) is to be referred not only to His actions, but also to what He *said*."<sup>112</sup> The Peshito-Syriac version of N. T. renders 1 Cor. xi.-24, 26, "thus do"; and "the very ancient Liturgy of Theodore" runs "all therefore take, eat of this bread, &c.; and do *thus*, as oft as ye shall meet together, in remembrance of me." Notit. Euch., p. 634, cf. 616, Professor Ince gives 1 Thess. iv.-9, 10, v.-11, Gal. ii.-10, and Professor Abbott gives Gen. xlii.-18, Num. iv.-19, as illustrations of ποιεῖν referring back compendiously to actions previously described. It deserves notice that St. Matthew and St. Mark, whose Gospels were written primarily for "the circumcision," omit the command "do this" from their narrative; and St. Paul, in an Epistle written to "Hebrews," omits to use the so-called "sacrificial" word in his elaborate discussion

<sup>111</sup> For a list of these passages see Marriott's *Remains*, p. 195 (Published by John Mitchell, London).

<sup>112</sup> Cat. ad. Parochos II., iv. 19, p. 185, edit. Lugduni, 1676.



of sacrifices. St. Matthew does once employ the word in direct connection with the Institution (xxvi-18 "keep") where St. Mark and St. Luke *render the same thought* by "eat."<sup>113</sup> So in Justin Martyr, the only<sup>114</sup> Greek Father whose authority is claimed for the sacrificial sense of ποιεῖν, the word is rendered 'eat' in Clark's Ante-Nicene Library, in the disputed passage, viz., Trypho., cap. lxx. But Justin Martyr, who was a Samaritan layman, and was ignorant of Hebrew, was by no means the only writer to whom the LXX was familiar.

The other word upon which Mr. Scudamore relies is much more rare. In classical Greek this word (ἀνάμνησις) signifies the mental act of recollecting a thing that is past. But it is alleged by Mr. Scudamore that in the Bible it has a meaning different from its meaning in other books, so as to be "completely equivalent to μνημόσυνον,"<sup>115</sup> i.e., to an outward memorial. Mr. Malan, who has examined this point with great care, shews from Philo and other late writers<sup>116</sup> that the distinction between the abstract metaphysical verbal ἀνάμνησις and the concrete objective noun μνημόσυνον was never lost. The noun Memorial (μνημόσυνον) occurs fourteen times in the LXX and three times in the N. T., and it would have been in accordance with Scriptural usage to have employed that word in the Institution of the Lord's

<sup>113</sup> Compare Luke xxii.-11; Mark xiv.-14, with 1 Cor. xi.-26 γὰρ.

<sup>114</sup> Scudamore, Notit. Euch., p. 624. To 'use,' 'employ,' 'celebrate' are equally permissible renderings.

<sup>115</sup> Notit. Euch., 626 note.

<sup>116</sup> ex. gr., Nemesius, Bishop of Emesa in the fourth Century. Malan, p. 85. See also Abp. Trench's *Synonyms of New Testament*, p. 71.

Supper, had the idea of an outward memorial before God been intended. It was the regular sacrificial term (*ex. gr.* Levit. ii.-2, 9, 16 ; v.-12 ; vi.-15 ; Num. v.-26, *cf.* Acts x.-4) : whereas *ἀνάμνησις* is not once used in the LXX in connection with a sacrifice. In the only apparent exception, viz., Levit. xxiv.-7, the Septuagint differs widely from the English version. The LXX runs, "and he shall place upon the row pure frankincense and salt, and they lying before the Lord shall be to the loaves unto an act of remembrance."<sup>117</sup> Here, as in Num. x.-10, a subjective act of remembrance *in the mind of God* is affirmed, just as in Acts x.-31 the alms and prayers of Cornelius were "had in remembrance in the sight of God." Every memorial is designed to produce such an act of remembrance. So the English version correctly renders *εἰς ἀνάμνησιν*, "to BRING TO remembrance" in the titles of Psalms xxxviii. and lxx.

So in Hebrews x.-3 (*cf.* verse 17 and xi.-32), *ἀνάμνησις* means "The remembrance of past sins through the sacrifices enjoined by God in order to remind men of those sins ; and as a proof, when offered, that those sins were remembered by the sinners themselves : but assuredly not in order to remind God of them, an expression utterly unintelligible ; since the command given to offer those sacrifices for sin was a standing order from God that there was a daily or yearly account to be settled with Him, which He, therefore, never forgot, but which

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<sup>117</sup> *Καὶ ἔσονται ἡς ἂπλους ἡς ἀνάμνησιν.* So in Num. x.-10, "and there shall be to you an act of remembrance before your God." *Καὶ ἔσται ὑμῶν ἀνάμνησις ἐναντὶ τοῦ θεοῦ ὑμῶν.* Compare verse 9, *ἀνομνησθήσθε ἐναντὶ Κυρίου,* and Num. v.-15.

sinner themselves might easily overlook.”<sup>118</sup> Bishop Wren says “*εἰς τὴν ἐμὴν ἀνάμνησιν* being spoken by Christ, does most properly signify ‘To put Me in mind of you’.”<sup>119</sup> And it has been pointed out that in the letter of St. Jerome to Vigilantius (§ 10), and in the Syriac Liturgy of St. James, the Eucharistic offering is said to be made *to* Christ.<sup>120</sup> The “Liturgy of the Holy Apostles” which Dr. Neale pronounced “one of the earliest, and perhaps the very earliest, of the many formularies of the Christian sacrifice” directs the offering *to* Christ.<sup>121</sup> So do various Coptic, Greek, Alexandrian, Mozarabic, and Æthiopic Liturgies.<sup>122</sup>

“Unto my remembering” (which is perhaps the most literal rendering of the words) might however

<sup>118</sup> Malan, p. 87. Apart from the folly of a worshipper reminding God of those sins which he desired God to “blot out” and “forget,” such an idea was opposed to the fundamental conception of “atonement.” “To atone” is throughout the Old Testament to “cover”; and the day of atonement (Levit. xxiii.-28, xxv.-9), is “the day of the coverings.” The “remembrance of sins” in Heb. x.-3 is the same with the “conscience of [past] sins” in verse 2, and with the voluntary “affliction of soul” of Levit. xxiii.-29. See Cornelius a Lapide and Bishop Chr. Wordsworth, on Heb. x.-3. Cf. 1 Kings xvii.-18, *ἀναμνησαὶ ἀδικίας*.

<sup>119</sup> Jacobson's *Fragmentary Illustrations of the Book of Common Prayer*, p. 81. Arnold remarks that the possessive pronoun “may be understood either objectively or subjectively,” i.e., either as “my remembering” or “a remembering of me” (Arnold's *Grammar of Reference*, Rule 1007). But see Malan, p. 98.

<sup>120</sup> *The Primitive Doctrine of Eucharistic Sacrifice as exhibited in early Liturgies*, by Clericus Cantabrigiensis. Compare Cyril Alex. in Actis Ephesinis; Malan's Coptic St. Mark, p. 21, and St. Gregory, pp. 25, 47, 63; *Dict. Christ. Antiq.*, II., 1199; Swainson's *Greek Liturgies*, XLII.; Maskell, *Ancient Liturgies*, p. 31.

<sup>121</sup> Clark's Ante-Nicene Library. *Early Liturgies*, pp. 76, 77, 79, 88, and Preface, p. 7.

<sup>122</sup> Scudamore, *Notit. Euch.*, 648, 651. Marriott's *Remains*, p. 100.



mean "unto [your] remembering of Me." And all the ancient Liturgies do in fact connect with the recital of the Institution such words as these: "We therefore remembering this salutary precept and all that happened on our behalf, the cross, the tomb," &c., &c.<sup>123</sup> The Milanese paraphrases, "as oft as ye shall do these things, preach My death, announce My resurrection, hope for My advent"<sup>124</sup>; "and ye shall forbid it to pass into oblivion until I come."<sup>125</sup> S. Chrysostom explained that the service "is called the Thanksgiving (εὐχαριστία) because it is a remembrance of many benefits, and shews forth the crowning act of God's regard, and prepares us to be perpetually thankful."<sup>126</sup> So Theodoret says: "The Lord himself commanded, 'Do this in remembrance of Me'; that by contemplation we may call to mind the type of the sufferings which He underwent for us, and may stir up our love towards our Benefactor."<sup>127</sup> Primacius on 1 Cor. xi.-25, says, "God the Saviour has given us a form, that as often as we 'do' this we may retain in our mind that Christ died for us."<sup>128</sup>

The suggestion, therefore, that ἀνάμνησις was used in the Old Testament as the technical name of "the

<sup>123</sup> Neale's *Liturgies*, pp. 51, 85, 115. Malan's Coptic St. Mark, 47, and St. Gregory, 25. <sup>124</sup> Notit. Euch., p. 633.

<sup>125</sup> Neale, p. 197. <sup>126</sup> Hom. in Matt. xxv. (Matt. vii.-28).

<sup>127</sup> Comment on Heb. viii.-4, 5. Op. iii., 594, 595. θεωρία ἀναμνησκόμεθα. The same verb is employed in Mark xi.-21, xiv.-72; 1 Cor. iv.-17; 2 Cor. vii.-15; 2 Tim. i.-6; Heb. x.-32, which are the *only* instances of its use in N. T. In no case could it be rendered "offer an outward memorial."

<sup>128</sup> Cited with Sedulius and others in Dr. Harrison's reply to Dr. Pusey, Vol. I., p. 131 (Longmans). Mr. Dimock in the *Churchman* for June and July, 1884, adds Rupertus Tuitensis, Remigius of Auxerre, the author of the *De Baptismo* attributed to Basil the Great and others.

Sacrificial Memorial," and was used in that sense by our Lord, who said "Offer this [to God] for the Memorial of Me,"—is at variance with all the evidence. But, had it been otherwise, what could the words "Sacrificial Memorial of Christ" have been supposed to mean? The "Memorial" was the *only* part of a sacrifice given to God; it was given *instead of* the thing which it represented; it was *never* partaken of by the 'communicants'; it was utterly *destroyed* by fire; and it implied a nearness of approach to God to which the "sacrifice" itself could not attain; lastly, the Memorial was proper to the altar of burnt offering in the outer Court (Kurtz, p. 316). In which of these respects was the Lord's Supper "the Memorial" of Christ's Sacrifice? Mr. Sadler admits<sup>129</sup> that "such words as memorial—fail, palpably fail, to set forth the nature and limits of such an anamnesis" as Mr. Sadler contends for. "With respect to the representation of His death which Christ is now making at the right hand of God, it is clear that if the Eucharist has any relation to this it cannot be by way of what is commonly understood by 'Memorial,' for memory relates to what is past."<sup>130</sup>

Mr. Sadler's book is described by the *Church Times*<sup>131</sup> as "THE volume for the heads of Theological Colleges to give as a text book to their students." It may be regarded therefore as a representative work embodying the views of an entire school; and it elaborates at a great length the views of the "Declaration on the Eucharist," submitted to Convocation by Canons Pusey, Liddon, and Carter.<sup>132</sup>

<sup>129</sup> *One Offering*, p. 80. <sup>130</sup> *Ibid.*, p. 78. <sup>131</sup> June 18th, 1875

<sup>132</sup> First Report of Ritual Commission, Appendix, p. 129.

Mr. Sadler's view is that our Lord's out-poured blood exists in Heaven in a state of separation from His glorified body,<sup>133</sup> and that the present employment of our High Priest in Heaven "which answers to the priestly action of the Jewish Priest once a year within the veil, is on our Lord's part not a momentary or temporary, but a continuous action, and this forms its *principal* point of contrast with the corresponding act of the Jewish Priest."<sup>134</sup> That act was "the solemn presentation, before God, of that thing which God had given to make atonement, and in the only form in which it could make atonement, *i.e., as separated from the body through death.*"<sup>135</sup>

Dean Luckock, in *Studies in the History of the Book of Common Prayer*, p. 17, says that Christ's sacrifice is still incomplete, "and will be continuous until He comes again."

Mr. Carter also teaches that a sacrificial offering is in process of being continuously made by Christ until doomsday.<sup>136</sup> "Because He is ever *offering* that sacrifice through which sins are ever *being* remitted."<sup>137</sup> "And on the virtue of this offering, thus perpetually appearing on our behalf before the Father, His pleading intercession *rests for its acceptance.*"<sup>138</sup> Thus He is "*not merely pleading* for us, but ever renewing His Oblation of Himself, and on this *ceaseless* act of self devotion *grounding* His intercession for us."<sup>139</sup> "Neither the perpetual

<sup>133</sup> *One Offering*, pp. 44, 66.

<sup>134</sup> P. 54. <sup>135</sup> P. 59.

<sup>136</sup> Correspondence with Mr. Marriott on the Doctrine of the Holy Eucharist, pp. 34, 38 (Rivingtons).

<sup>137</sup> P. 39. <sup>138</sup> P. 38. <sup>139</sup> P. 33.



sacrifice in Heaven, nor the Christian sacrifice in earth can be adequately represented as *an acted prayer*. Both are to be regarded most mysteriously, but most truly, as *a continuation* of the one sacrifice by the One Priest."<sup>140</sup> "The Eucharistic worship which He has ordained," says Mr. Sadler,<sup>141</sup> "is, we verily believe, the re-presentation and counterpart of this His presentation of Himself as our Mediator in Heaven." So in the Liturgy, the "oblation" is said to be "a real substantial act, the *ground* of praise and thanksgiving" which are offered<sup>142</sup> together with it. "We do not speak of Christ's Atonement as a work wholly past, but as of one ever going on."<sup>140</sup> "This Heavenly setting forth is of course not for praise and thanksgiving so much as for *deprecation of wrath*, . . . and so the Eucharist, which is the earthly counterpart of this heavenly setting forth, must also be for deprecation of wrath."<sup>143</sup> Hence the "Eucharistic Sacrifice" is said to be "atoning,"<sup>144</sup> "propitiatory,"<sup>145</sup> profitable to the absent, the dead, "for fair weather," and to cattle.<sup>146</sup> The benefits of the "Eucharistic Sacrifice" are held to be "connected with the Sacrament *as an act of oblation*,

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<sup>140</sup> Tracts for the Day, edited by Rev. Orby Shipley, No. 5, *On the Real Presence*.

<sup>141</sup> *One Offering*, p. 45.

<sup>142</sup> *Carter's Correspondence*, &c., p. 89.

<sup>143</sup> *One Offering*, p. 110.

<sup>144</sup> *One Offering*, p. 188. Willis' *Sacrificial Aspect of the Holy Eucharist*, p. 39, 42.

<sup>145</sup> Carter's *Doctrine of the Priesthood*, pp. 42, 46 note, 50, 56, and *Correspondence*, pp. 94, 108. See Loraine's *Church and Liberties of England*, p. 22. *Principles at Stake*, p. 280.

<sup>146</sup> *One Offering*, p. 176. Carter's *Doctrine of Priesthood*, pp. 47, 67. Drake's *Teaching of the Church*, pp. 55, 100.

NOT as an act of Communion.”<sup>147</sup> The Cross of Christ it is said “would not be profitable to us unless it were applied and brought into effect by the Eucharistic Sacrifice.”<sup>148</sup> Priests “reconcile God to men.”<sup>149</sup>

These statements, if true, are obviously important. But our present enquiry is whether they constitute a “*Catholic* Doctrine of Eucharistic Sacrifice.” It is clear that they do not. Mr. Carter says, “The majority, at least, of our Divines are defective in reference to this question of the Eucharistic Sacrifice.”<sup>150</sup>

Mr. Berdmore Compton denies altogether that

<sup>147</sup> Blunt's *Annotated Prayer Book*, p. 157. This view is quite novel. Bishop Bilson (A.D. 1585) said, “The Lord's Table . . . is an heavenly banquet which we must eat and not sacrifice: but the duties which He requireth at our hands when we approach His table, are sacrifices, not sacraments.” (Waterland p. 428 note.) Bishop Cooper (A.D. 1562), said, “A sacrifice is a thing given to God: the sacrament was a thing given to us. Nothing, therefore, can be of nature more contrary than your sacrifice and Christ's sacrament.” (*Answer to the Apology of Private Mass*, p. 88.) And Bishop Geste in A.D. 1548, says, “which is the sacrament and not the sacrifice, for in the sacrifice there is nothing applied and rendered to us, but to God alone—for why the appliall and delivery of the fruits of Christ's death and again—rising to us, is God's gift unto us and not ours unto Him, so that it is the sacrament, and not the sacrifice of the Mass, that is available” (*Treatise against the Privy Mass*, p. 97). The Homily for Whitsunday says, “Christ commended to His Church a *sacrament* of His body and blood; they have changed it into a *sacrifice* for the quick and the dead.” For other like testimonies see my *Misprinted Catechism*, p. 13.

<sup>148</sup> Carter's *Priesthood*, p. 46 note; cf. 95, 148.

<sup>149</sup> *Ibid*, p. 98. St. Paul's view was just the opposite of Mr. Carter's. See 2 Cor. v.-20. Compare Psalm xlix.-7.

<sup>150</sup> *Correspondence*, p. 90. See Sir Wm. Palmer's *Narrative of Events connected with the publication of the Tracts for the Times*, p. 75. Cranmer's *Works*, P.S., I., 356.

sacrifice is going on in heaven. He says, "The whole idea of sacrifice, whether expiatory or Eucharistic, is absolutely repugnant to all that we know of that Holy Place. . . . *There* is the altar for the incense of the Lord's intercession—but nothing sacrificial. . . . All that is sacrificial . . . belongs to the Court, not the Sanctuary; all is adapted, not for spirits in heaven, but for the embodied members of the Church on earth." <sup>151</sup>

Dr. Alfred Mortimer in his work on *The Eucharistic Sacrifice* combats the views of Bp. Gore and testifies that "no one has ever taught that our Lord in heaven is offering sacrifices, except in so far as He presents to the Father the sacrifices of praise and thanksgiving offered by His whole Church" (p. 246, cf. p. 4).

Archdeacon Freeman points out that "St. Paul does not say it was *with* His own blood, but *by* it that He entered in once into the Holy Place" <sup>152</sup>; or as Mr. Malan expresses it "not *with* His own blood, as if He took it with Him to offer it there, but *διὰ τοῦ ἰδίου αἵματος*, *by means of* or *through* the blood He had before shed upon the Cross, and which, so to speak, gave Him right of entrance into heaven." <sup>152a</sup> Heb. ix.-12.

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<sup>151</sup> *Sermons on the Catholic Sacrifice*, p. 58; cf. 180, 182 (Rivingtons).

<sup>152</sup> *Principles of Divine Service*, II., 209.

<sup>152a</sup> Malan's *Holy Sacrament of the Lord's Supper*, p. 107. Canon Trevor says "In the ancient Church it was long a question whether our Lord's body in heaven has any blood in it" (*Catholic Doctrine of the Sacrifice*, p. 49). He says "St. Augustine seems rather perplexed with this question," which is discussed in Allix's treatise "De sanguine Christi." L'Arroque's *Hist. Euch.*, part II., cap. 6. Alford on St. John vi.-51, xx.-27.



Mr. Dimock has proved that Christ's sacrifice for sin was not only finished but accepted before His Resurrection (*Doctrine of the Death of Christ*, pp. 57-9): and in his *Our one Priest on High* has vindicated Hebrews v.-1, viii.-3, and ix.-7 from the novel interpretation which suggests that a "Priest" must always be offering sacrifice, and that Christ's intercession derives its value from an incessant offering for sin erroneously supposed to be now going on in Heaven.

It is true that certain of the Fathers speak of an altar in Heaven, probably in reference to Rev. viii.-3, 4, viz., "the *golden* altar" or altar of incense. So Clement of Alexandria insists—"If we say that the Lord the Great High Priest offers to God the incense of sweet fragrance, *let us not imagine that this is a sacrifice* and sweet fragrance of incense; but let us understand it to mean that the Lord lays the acceptable offering of love, the *spiritual* fragrance, on the altar."<sup>153</sup> So Gregory of Nazianzum describes it as an altar "upon which no axe has been lifted up, no iron tool or other instrument has been heard; but the work is wholly of the mind, the ascent by means of contemplation."<sup>154</sup> "In this very scene," says Archdeacon Freeman, "the Angel (*i.e.*, Christ, as it should seem) offers up *not*, as we might have expected, the Body and Blood of the Lamb, but

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<sup>153</sup> *The Instructor*, Bk. II., p. 233. Clark's Ante-Nicene Library. Compare Miscellanies VII., vi. (Vol. II., 428, 431). Bp. Patrick notes that "the odour of a sweet smelling sacrifice" was a phrase restricted to burnt offerings and peace offerings, but not applicable to sin- or trespass-offerings.

<sup>154</sup> Orat. 28. Contra Maxim., Vol. I., p. 484. Ed. Paris, 1630. On the term "spiritual," as applied to sacrifices, see Waterland, p. 429 note. Jewel's *Works*, II., 735; cf. Lactantius *On true worship*, vi.-25. Malan's Coptic St. Mark, p. 34 (57), and St. Gregory, p. 12.

‘much incense’.”<sup>155</sup> So Eusebius describes the Great High Priest as “receiving the sweet incense from all, and the bloodless and immaterial sacrifices of Prayer, and with extended hands bears them to the Father.”<sup>156</sup> “*After* having offered up Himself for us, He raised His own body from the dead, and now all those who come to Him in faith, He brings and offers to the Father.”<sup>156a</sup> “He has everything to offer,” says Bp. Chr. Wordsworth,<sup>157</sup> “except Himself.” He is now offering the prayers and praises, the alms and good works, the souls and bodies of the saints on earth.<sup>158</sup> But all these “spiritual sacrifices” depend for acceptance upon the fact that the sin offering had first been accepted and so “ceased to be offered.”<sup>159</sup>

It was not until the sprinkling of blood within the veil had *ceased* that the altar of incense could be used.<sup>160</sup> No acceptable worship could be offered by the Church until this had been effected. “There shall be no man in the tabernacle . . . until He come out and have

<sup>155</sup> Prin. Div. Serv. II., 208.

<sup>156</sup> Hist. Eccl. Lib. x., c. iv. “The altar, then, is in heaven,” says Irenæus, “for thitherwards are our prayers and oblations directed.” Adv. Hæreses. IV., xviii. The same thought is retained in the so-called Liturgies of St. Clement and St. James.

<sup>156a</sup> S. Athanasius Orat. ii. contra Arianos. tom. I., p. 475.

<sup>157</sup> Cited in Marriott and Carter’s *Correspondence*, p. 139. So Dr. Lightfoot said: “Christ is a Priest for ever, still offering sacrifice to God: but *no more Himself*, but His people’s sacrifice. And that offering is twofold, viz., offering the persons of His people to God, as an acceptable living sacrifice (Isa. lviii.-18), and offering their services as an acceptable spiritual sacrifice to God (Rev. vii.-3).”

<sup>158</sup> I Peter iii.-18, *προσάγαν*. Heb. xiii.-15; Eph. ii.-18; Jude v.-24. Compare Rom. xv.-16; Isa. lxvi.-20; Phil. ii.-17, margin. Const. Apost. II., § iv.-25; Tertullian de Orat., 23; Origen Contra Celsum, iii.-30.

<sup>159</sup> Heb. x.-2

<sup>160</sup> Exod. xxx.-10; Levit. xvi.-16.

made an atonement.”<sup>161</sup> Even the “things in Heaven” were reconciled in virtue of His “*having made peace* through the blood of His cross.”<sup>162</sup>

The “principal point of contrast with the corresponding action of the Jewish Priest” (so far from being, as Mr. Sadler suggests, that Christ’s offering is ‘prolonged,’ ‘renewed,’ ‘continuous,’ and therefore still incomplete) is made by St. Paul to lie in this that “there is no longer offering for sin,”<sup>163</sup> and that Christ did not enter the Holy Place “in order that He might offer Himself often.”<sup>164</sup> Mr. Marriott has carefully examined<sup>165</sup> the texts which speak of Christ’s “offering,” and has shewn that in every instance the tense of the verb, the emphatic position of antithetic words, and the logical sequence of the apostle’s argument, all alike point to the singleness of that offering as a definite event in time past. For instance, in Heb. viii.-3, the change of the tense in the verb “to offer” (unhappily lost in the English version) points to a past time in which Our High Priest “may have offered.”<sup>72</sup> His High Priestly office of Blessing succeeds to *that* offering.<sup>166</sup> He is King and Prophet to a People already redeemed.

The “lamb as it *had been* slain” is described not as being on an altar, nor as being slain, nor being offered, but as “standing,” *i.e.*, alive again for evermore “in

<sup>161</sup> Levit. xvi.-17.      <sup>162</sup> Col. i.-20; Hebr. ix.-23.

<sup>163</sup> οὐκ ἔτι προσφορά περὶ ἁμαρτίας. Hebr. x.-18.

<sup>164</sup> 'Ουδ' ἵνα πολλάκις προσφέρῃ ἑαυτὸν. Hebr. ix.-25. Dean Jackson, *Works*, ix.-584, says, “if, once offered, it were in the nature of an offering infinite, it necessarily took away all other offerings *or manner of offering for sin.*” <sup>165</sup> *Remains*, edited by Dr. Hort, pp. 137-141.

<sup>166</sup> Levit. ix.-22, 23; Compare Ecclesiasticus L. 19, 20.



the midst of the Throne " receiving Divine worship.<sup>167</sup> And as the Church in Heaven sang "Thou wast slain, and *hast* redeemed us," so the Church on earth adds "For He is the very Paschal Lamb which *was* offered for us, and *hath taken* away (*abstulit*) the sin of the world."<sup>168</sup>

"Think not when thou hearest of Him as being a Priest that He is therefore ever sacrificing, for once He did sacrifice, and for ever after sat down. In this is intimated unto us the majesty of that sacrifice in that being One and once offered it did suffice, where all those older sacrifices together availed not."<sup>169</sup> "For it is the part of one who ministers and of a Priest to stand. But this of His 'session' showeth that after He had once presented that sacrifice, that is His own body, His session hath continued thenceforth, He being ministered to the while by the incorporeal powers."<sup>170</sup> "As the High Priests *do*

<sup>167</sup> Rev. v.-13.

<sup>168</sup> Proper preface for Easter. 1 Pet. ii.-24. The language of St. John Baptist is also adopted in the Prayer Book, "Lamb of God which *takest*," but this no more implies that a sacrificial offering is now being made, than it did when St. John Baptist used the same words. Christ *is* our source of propitiation *ἱλασμός* (1 John ii.-2) as He *was* our sacrifice of propitiation *ἱλαστήριον* (Rom. iii.-25). Dr. Harrison (op. cit. 133-5) shews from ancient writers that this was the traditional interpretation of the Agnus Dei. It deserves notice that the English prayer at the distribution of the elements (which Aless' translation in 1551 calls "forma orationis," and the Scotch Liturgy calls a "Benediction"), viz., "the Body of our Lord Jesus Christ which *was* given for thee," &c., did not exist in the mediæval offices books, but is taken from the Reformed Office of Cologne (Bulley's *Tabular View*, p. 211; Not. Euch., p. 749). Peter Lombard (Sentent. lib. iv. distinct. 12) says "in sacramento recordatio fit illius, quod factum est semel."

<sup>169</sup> S. Chrysostom, in Epist. ad Hebr., cap. vii., Hom. xiji.

<sup>170</sup> Œcumenius, on Heb. vii.-27.

offer, so *did* He offer Himself."<sup>171</sup> "They did continuously offer, and did sacrifice on their own behalf. But this Man doeth neither of these things. The latter He doeth not, because He hath no fellowship with sin ; and *the former He doeth not*, seeing that the one sacrifice was all availing unto salvation. He hath offered His own body, therein showing Himself both Priest and Victim ; and *now*, as God, with the Father and the Spirit *receiving* the gift."<sup>172</sup> "Christ is a Priest . . . not Himself offering, He being engaged as the Head of those who offer. For He calls the Church His body, and by this Church the Priesthood is discharged as to His manhood ; but He *receives* those things which are offered as God."<sup>173</sup> "Lest thou shouldst suppose that He stands and is ministering again, thence the Apostle shews that the duty of the office hath been finished. . . . He would not be offering daily for the people, for He was of so great holiness and honour with God, that a sacrifice offered once availed for the people of God for ever."<sup>174</sup> "He offering up Himself was called High Priest both merciful and faithful. Merciful in that having had pity on us, He offered up Himself for us ; and faithful in that the sacrifice He offered endures for ever, and cannot fail. For the Saviour's sacrifice once wrought perfected every thing ; and it became sure, abiding for ever."<sup>175</sup>

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<sup>171</sup> Theophylact, on Heb. viii.-3.

<sup>172</sup> Theodoret, on Heb. vii.-27.

<sup>173</sup> Theodoret Interpret, in Psalm cix., tom. I., Pt. ii., p. 1397, ed. 1769.

<sup>174</sup> Rabanus Maurus, in Ep. ad Heb. lib. xxvii. Compare Epiphanius Hær., 55.

<sup>175</sup> Athanasius Contra Arianos., Orat. ii., § 9.

“When Christ, then, having offered one sacrifice for sins for ever (Heb. x.-12), ‘*sits down* on the right hand of God,’ we are prepared, if for ministry at all, for a proportionately altered form of ministry. A Priest on His Throne, we expect to find the ‘Priestly action’ corresponding to the dignity of such an elevation. Nor are we disappointed in this expectation. No longer ‘offering for sin,’ but ‘Father, I will,’ expresses now the action of an Intercession combining in itself the subordination of the Mediator between God and man, the Man Christ Jesus, with the virtual omnipotence of Him whose name is above every name, that at the name of Jesus every knee should bow, and every tongue confess that Jesus Christ is Lord, to the Glory of God the Father. It is thus, Intercession which is the ‘Priestly action’ of the present dispensation, as *distinguished from offering for sins*, the priestly action of the preceding one; ‘Remission of these is, and there is no more offering for sins’.”<sup>176</sup>

Under the law, the right of immediate access to God which had once belonged to the whole people (Exod. xix.-6) was restricted “after the law of a carnal commandment” (Heb. vii.-16), to an hereditary caste. The people might pray “without” (Luke i.-10), each man as he best could; but Common Prayer and Common Praise belonged exclusively to Priests.<sup>176a</sup> Yet even in Jewish times the spiritual service of praise within the Sanctuary

<sup>176</sup> Smith’s remarks on Sadler’s *One Offering*, p. 7 (Hatchard).

<sup>176a</sup> Lightfoot’s *Works*, ed. 1823, Vol. IX., p. 56; cf. p. 64. *Temple Service*, cap. viii., § 2. Edersheim, p. 129.



did not commence till the "Carnal Ordinance" (Heb. ix.-10) of blood sacrifice in the outer Court was over : and when (from Eli to Solomon) the altar at Gibeon was separated from the ark at Jerusalem, "David and the Israel of God held to the Sanctuary with its mercy-seat and covenant-tables, in fact to the law and to the testimony . . . For not where the altar, but where the ark was, there was the Lord."<sup>177</sup> Worship was never addressed to the altar. Still less can it be now when "we worship God in spirit and have no confidence in the material" (Phil. iii.-3, *σὰρκι*). Christians are themselves the 'Temple' or 'House of God' within which His Spirit resides.<sup>178</sup> They are 'anointed'<sup>179</sup> as 'Priests'<sup>180</sup> who may "draw nigh"<sup>181</sup> to present themselves as "living"<sup>182</sup> and "spiritual"<sup>183</sup> offerings of sweet "savour,"<sup>184</sup> and whose Priestly privilege<sup>185</sup> it is not only to eat of the sin-offering made by the High Priest, but themselves to "enter into the Holiest,"<sup>186</sup> and even to "come boldly to the Throne."<sup>187</sup> None but Priests, we may be sure, have thus access to the mercy-seat itself. Thus the Church is, as Justin Martyr says, "the true High-Priestly race"<sup>188</sup> to the rest of mankind. If we

<sup>177</sup> Street's *Rubrics and Ritual of Daily Service in the Temple*, p. 7, 9.

<sup>178</sup> 1 Cor. iii.-16, vi.-19; 2 Cor. vi.-16; Eph. ii.-21, 22; Heb. iii.-6; 1 Peter ii.-5. Clem. Alex. Strom. vii.-5, 29.

<sup>179</sup> 2 Cor. i.-21; 1 John ii.-20, 27.

<sup>180</sup> 1 Peter ii.-5, 9; Rev. i.-6, R.V.; v.-10.

<sup>181</sup> Heb. vii.-19; x.-22; Eph. ii.-13, 18; James iv.-8.

<sup>182</sup> Rom. xii.-1. <sup>183</sup> 1 Peter ii.-5.

<sup>184</sup> 2 Cor. ii.-15; Phil. ii.-17; Heb. xiii.-15, 16; Jude, verse 24.

<sup>185</sup> Levit. vi.-29; x.-17; cf. Chrysostom in Stephen's *Notes on the Common Prayer*, p. 1209.

<sup>186</sup> Heb. x.-19. <sup>187</sup> Heb. iv.-16. <sup>188</sup> Trypho., c. 116.

consider for a moment what a "Sacrifice" essentially is, we shall see that, in Scripture, it involves:—

- (1) The absolute surrender (or giving up from self) to God,
- (2) As an act of Homage,
- (3) Of something of value which belongs to the offerers.

If so, we cannot deem it in accordance with "Catholic doctrine" to *Sacrifice* Christ our only "hope of glory": nor can we fitly speak of large and wealthy congregations "sacrificing" half-a-crown's worth of bread and wine. The only thing that we have of our own to offer to God, and the only thing which He asks of us is the surrender of self. In yielding up to His service our hearts, minds, and bodies, and, above all, our wills, we are offering as Priests through the "*One*" Mediator, costly and acceptable "Eucharistic Sacrifices" which follow and depend for acceptance upon that Great Sin Offering which, more than 1,800 years before had been *accepted* by the Father of our Lord Jesus Christ, as a full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world.

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BY J. T. TOMLINSON

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To that question the Bishop of Sodor and Man, in his recent very able Charge, has given an explicit answer. The thing is “practicable,” in the sense in which any act of folly is “practicable.” In the first place, the proposal is unaccompanied by any concession whatever to the other side. Had Lord Halifax proposed to permit also an “alternative use” of the *Second* Prayer-Book; or to omit the requirements introduced for the first time in 1662 (during the heat and passion of the last vindictive Act of Uniformity) of Episcopal ordination as the *invariable* condition for holding a



benefice, and priest's orders as the *invariable* condition for celebrating the rite of the Lord's Supper, the proposal might have been deemed foolish, but at least it would not have been one-sided. The policy of non-resistance to the ritualistic advance has, however, been carried so far, even by many Evangelicals, that *The Times* actually regards as an adequate equivalent the offer to treat the followers of Waterland and Hooker as having "as clear a right to be deemed sound English churchmen as their rivals"!

How "sound a churchman" Lord Halifax is may be judged by his complaint in the *Lord's Day and the Holy Eucharist* (p. 28), that "the arrangements of our present Liturgy with the dislocation of the canon which those arrangements involve, is a most serious blot on the Eucharistic service of the English Church, *a constant difficulty in the way of Church teaching*, and is a matter which, if we are honest in professing to follow the practice of the undivided Church, *urgently* calls for reform." The immediate "reform" upon which his lordship then insisted (1893) was a series of direct violations of the existing order, and the "transposing" it so as to sanction acts of worship to be addressed to the deified wafer, and the application of "sacrificial" language to the material "oblation" while lying upon what he prefers to call an "altar." Is it too much to say that those who regard the present Office as an invaluable embodiment of sound scriptural teaching ought to reject changes advocated on such grounds as the above? That the "alternative" use of the First Prayer-Book would depend on the individual preference of the incumbent, without reference to the wishes of the parishioners, forms no objection in the eyes of those who advocate the change: yet even the party of reaction are by no means agreed with their spokesman as to the "compromise" which he offers.

At the Church Congress of 1897 the same "alternative

use" was advocated, and the *Church Times* devoted a leading article to the rejection of the proposal. Amid many like words,—

"It may be questioned whether those who advocate the permissive use of the Liturgy of 1549 have not been led by its manifest advantages to overlook those particulars which militate against the desirability of reviving its use. One of the most notable defects of our Prayer-Book is the absence of antiphons, which give special significance to the Psalms and Canticles on different occasions. In accordance with the sanction of custom in regard to the use of hymns, introits are sung at Churches where the Mass is sung, which, being composed of a verse of a Psalm with an antiphon suited to the day or season, gives a suitable tone to the service. In the Liturgy of 1549 a Psalm is appointed, sometimes a long one, for introit for each day, which, being without antiphon, has no special suitability for the day, the Psalms all containing so many varied elements that without antiphons the special aspect suitable for each day is not made clear. In the Liturgy of 1549 Elevation is forbidden, it is made to appear that the use of the General Confession may be regarded as equivalent to the Sacrament of Penance, and there is no provision for the ablutions, or even the consumption of what is left of the sacred elements. These are some of the weak points of the Liturgy of 1549, and it is a matter for serious consideration whether the advantages are so great in proportion to the disadvantages as to make the permissive use of it desirable."—*Church Times*, October 29, 1897.

That this expresses the conviction of the party is shown also by the comment of the *Church Review* (December 28, 1900).

"Lord Halifax then made a most extraordinary remark to the effect that a possible Concordat might be the granting the alternative use of the First Prayer-Book of Edward VI., carrying with it the acceptance of its rubrics as expressing the law of the Church, and that if that were conceded the E.C.U. might be dissolved. This really is most unfortunate. We never have been able to understand how it is possible to have any enthusiasm for that Book. Introduced at a most unfortunate time in the history of the Church in England, used for a brief period, it seems to us to be lacking in every single element which could constitute a claim on our veneration. It carries with it no association for good. If we are to have a change in the English Liturgy, let it be a change worth having. Let there be an agitation for the restoration of one of the old English uses pure and simple or for the adoption of the Tridentine Missal. That

would be worth making an effort for. Not that we think the time has come for such an effort. Our wisest policy, probably, for a long time to come will be conservative ; keep the Prayer-Book as it is. It is not safe to open the floodgates of change."

While the rank and file of the E.C.U. hold such views, what is the value of an offer (to which nobody save Lord Halifax himself is committed) to disband itself? We all remember how the Society of St. Osmund dissolved at the bidding of the central wirepullers, and immediately re-appeared as the "Alcuin Club." The First Prayer-Book really satisfies nobody now, and never did satisfy *anybody* from its first enactment in 1549. It is valued now only as a "stepping stone" for a further advance. Anybody who reads the series of Essays before quoted will see that the Sarum Missal, *not* the First Prayer-Book, was the goal to which, in 1893, Lord Halifax and his colleagues sought to direct the attention of their followers.

No failure more complete is recorded in history than the attempt to secure any sort of general acceptance of the First Prayer Book by the Church. The fact is that the Government had then to contend with the earnest opposition of one-half of the Episcopal Bench, who refused to the Boy-King the subservience which they had reluctantly yielded to his father. It seemed necessary, therefore, to gain, if possible, the temporary acquiescence of the "men of the old learning" before any permanent reform could hope to obtain the assent of Parliament. Hence each advance under Edward was regarded as an instalment of reform to be provisionally accepted, "until the times do alter." In February, 1548, Edward's 19th Injunction ordered "that no person shall from henceforth alter or change the order or manner . . . of common prayer or divine service until such time as the same shall be otherwise ordered and *transposed* by the King's authority" (*Doc. Ann.* p. 13). Especial attention should be given to this word



“transposed.” For the most important changes from the First Prayer-Book consisted in altering the *order of sequence*, so that the “prayer of humble access” and the words of “oblation” should not seem to relate to the consecrated elements. Dr. Gasquet unfortunately omitted this word (“transposed”) in his analysis of the changes made at this very period (*Edward VI. and the Book of Common Prayer*, p. 55, 2nd edition). On May 13, 1548, the friends of reform were bidden to “expect and tarry the time which God hath ordained to the revealing of all truth, and not to seek so long blindly and headlong after it, till they bring all orders into contempt” (*D. A.*, p. 54). As the present Bishop of Ripon expresses it in his *Popular History of the Church of England*, p. 191, “The issue of the First Prayer-Book was tentative, and in a sense provisional.” I have shown in my *Great Parliamentary Debate of 1548*, p. 19, that the Provost of Eton and Richard Hilles, writing at the very date of its issue recognised that it was not regarded as a permanent settlement. Indeed, the rubrics of 1549 witnessed to this temporary character. Thus the Litany was to be sung as directed in the Injunctions, “or as is or shall be *otherwise* appointed by His Highness.” So, in the final rubrics, provision was made for Scripture lessons “*hereafter* to be certainly limited and appointed.” The explanation is not far to seek. Bonner roundly accused the book of “heresy,” and Day no less emphatically denounced it, as he subsequently did the Ordinal of 1550. In the final division in Parliament eight bishops voted against it, and the Bishop of Norwich resigned his see rather than use such an uncatholic service book. Under these conditions it is not wonderful that a designed ambiguity of language should gloss over the latent Protestantism of the new formulary. Thirlby, Bishop of Westminster, very naturally complained of such trimming. He desired “to have it spoken plainly of the Sacrament because of the doubtful understand-

ing of the region. The plainness of the truth in God's Word is to be set forth: the want whereof caused him in conscience not to agree to the doctrine." The same complaint came also from the other side. In the *Original Letters*, published by the Parker Society, we read how the martyr Hooper wrote: "I am so much offended with that book, that *if it be not corrected* I neither can nor will communicate with the Church in the administration" (p. 79). Traheron, then a Member of Parliament, "endeavoured as far as he could that there should be no ambiguity in the reformation of the Lord's Supper: but it was not in his power to bring over his fellow-citizens to his views" (p. 66). And Dryander, just after the First Book came into use, wrote apologetically to his friend Bullinger:

"You will also find something to blame in the matter of the Lord's Supper: for the Book speaks very obscurely, and however you may try to explain it with candour, you cannot avoid great absurdity. The reason is that the bishops could not for a long time agree among themselves respecting this article, and it was a long and earnest dispute among them whether Transubstantiation should be established or rejected" (p. 351).

The Romish prelates charged the Book with denying, not only Transubstantiation and the Sacrifice, but the "Real Presence" also. These charges were just, if we regard (as we are bound to do) the wording of the Missal which had been expunged in the passages which otherwise corresponded. But, on the other hand, the new book spoke (thrice) of Christ's presence "IN those holy mysteries," and (still worse), speaking of the broken pieces of wafer, that "men must not think less to be received in part than in the whole, but *in each* of them the whole Body." No wonder that Gardiner fastened upon such phrases to convict Cranmer of inconsistency by contrasting his book on the Lord's Supper with the wording of the First Prayer Book. It is true that in the *Debate* itself the Reforming bishops were, to a man, outspoken in denying *any* presence at all within the elements, in denying that in *any* sense

the wicked were recipients of the Body of Christ, and in affirming that the Holy Spirit acted on the inward man, and not on mere outward inanimate "loaves" and "cups." Yet the language of the First Prayer-Book failed to give explicit voice to their own convictions ; and the later Revision of 1552 was the first realization of those views which had been publicly avowed in presence of their opponents, and before both Houses of Parliament, at the close of "the second year of King Edward VI." Thus before the foreign refugees could possibly have exerted any personal influence over Cranmer, the home-born convictions of the Anglican Reformers had attained fully to the standard of 1552.

Mr. Wakeman expresses the same thought quaintly enough : "By the abolition of the vestments, and the removal of words which could imply nothing else but the doctrine, especially the words of administration, room had been found within the pale of the English Church for Cranmer and Hooper and Edward VI." in the Second Prayer-Book of Edward VI. (*History of the Church of England*, 5th edition, p. 295). To say that Cranmer could not find "room" for himself in the First Prayer-Book is in a sense true, yet the "words of administration" were directly copied from the Reformed ritual of Cologne. And the book had even some Puritanical features. The Black-letter Saints were expunged, Daily Prayer was not enjoined on the clergy, kneeling at reception was left optional. The Bishop of Rome's "detestable enormities" were deprecated in the Litany, coherent Lessons were substituted for the unmeaning scraps and apocryphal insertions, Elevation of the Host and solitary masses were forbidden, no *ritual* "breaking" of the bread or laying on of the hand was prescribed, Purgatory and the Invocations of Saints, as well as the Good Friday "mass of the pre-sanctified" were cast out—yet Lord Halifax would have us believe that his "Catholics" would be well content with all this ! Educated Protestants certainly could never be



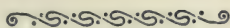
content. Its stone altar (the "High Altar" of pre-Reformation times), its sacrificial vestments and mediatorial position of the priest "afore the midst of the altar," its compulsory use of wafers and the mixed chalice, with the objectionable and insanitary practice of placing the wafer within the communicants' mouths, its exorcising and unction of infants, repeated crossing of the elements, monthly consecrations of the font and retention of extreme unction, are all redolent of that "other gospel," which necessitated the Reformation. Dr. Gasquet admits that "subsequent revisions have given to the daily service a breadth and even a certain dignity which is altogether wanting in the book of 1549" (p. 36). Bishop Fitzgerald has eloquently expressed the thought that "the Reformers' policy . . . could only have been carried out by the mature but steady development of the spirit of Protestantism . . . The immediate effect of the course they adopted was to join, not blend—for *they could not blend*—to join in *temporary* cohesion two alien elements." But, he adds: "To continue mere concessions to Roman prejudices a moment longer than was absolutely needful would have been a course of treatment as perilous to the Church's soundness as it would be injurious to a convalescent to keep him still in the atmosphere and on the diet of a sick room."

But the followers of Lord Halifax are not "convalescent"; they are suffering from a dangerous relapse of the Italian disorder, and it makes all the difference in the world if the "English Interim" is to be regarded as Zoar, a city of refuge, whether the fugitives who flee thither are coming *out of* the guilty city, or are craving "before all things" to return thither.

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Lay Judges in Church Courts.



**The Primates' Bill**  
**Subversive of the Reformation:**

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Being an EXAMINATION  
OF THE  
“ECCLESIASTICAL PROCEDURE BILL”  
And an ANALYSIS  
OF THE  
REPORT of the ECCLESIASTICAL  
COURTS COMMISSION of 1883.

By J. T. TOMLINSON,

AUTHOR OF

“THE ‘HISTORICAL’ GROUNDS OF THE LAMBETH JUDGMENT EXAMINED,” ETC.



London:

*CHURCH ASSOCIATION, 14, Buckingham Street, Strand.*

1899.

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## PREFACE

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THE following pages were already in type when Lord Halifax's "Letter to the Bp. of Winchester" appeared. It will be found that most of his representations have been refuted by anticipation, as for example his treatment of the two statutes 24 H. VIII, c. 12 and 25 H. VIII, c. 19. In the latter case his Lordship quotes the astounding statement made by Bp. Blomfield that "This statute determined the course of appeals *without reference to the royal supremacy*" (*Letter*, p. 44). Lord Halifax himself adds that the Court of Delegates "was established on the distinct understanding that the king should adjudicate on spirituals through the spirituality, but that all the Old Canons and constitutions of the Church were to remain in force" (*Letter*, p. 14). The words of the statute itself are a complete refutation of both these absurd allegations. In support of the latter his Lordship suggests that the *Reformatio legum* was "the recommendation of the Commission appointed under the powers and in accordance with the contents of the same act," viz., the 25 H. VIII, c. 19 (*Letter*, p. 5). Abp. Benson, with more reason, pointed out that the *Reformatio* was only commenced in 1549,\* and when completed by Abp. Parker was published in 1571, i.e., forty years after the passing of the 25 H. VIII, c. 19, the

\* *Judgment in Read v. Bp. of Lincoln*, Roscoe's Report, p. 33.

Commissioners having been appointed under a different act, and enormous changes in both doctrine and discipline having been meantime effected !

If Lord Halifax had read the *Reformatio* he would have seen internal evidence that it could not date, as he pretends, from 1534, nor have originated with the commission which he supposes to have drawn it up. It expressly repudiates, with terms of contempt, not only Transubstantiation, but "the Real presence" *also*, and in reference to Peckham's constitution bidding the laity worship the host when carried in procession, it says "we neither suffer this Sacrament to be lifted up, nor "carried about through the country, nor to be reserved "for the morrow, nor worshipped." It denies any reception of the body of Christ by the wicked, any greater veneration to the eucharist than to Baptism and the Word of God, and any greater holiness inhering in the bread and wine than to bread in daily common use, except in the scriptural *use* of Communion (*communicationis*). In short while Viscount Halifax holds the theories prevalent in 1534, the framers of the *Reformatio* explicitly condemned them. However valuable therefore the *Reformatio* may be as indicating the standpoint of the Edwardian and Elizabethan reformers, it could not possibly have been drawn up, as he supposes, under Henry VIII; and the fact that its legislative proposals were decisively rejected, shews that it cannot be accepted either as an interpretation of the intention of the legislature, or of the recognised meaning of any of Henry's statutes.

As to the Court of Delegates Lord Halifax reproduces the old mis-statements which have been refuted again and

again. He tells us (p. 7) "there is, I believe, no single "instance among the 1080 cases brought before it, of the "Court of Delegates having finally determined . . . a case "of doctrine or ritual" (*Letter*, p. 7).

I have shewn (pp. 62, 66, 90 below) that this by no means suggests that such cases had not been brought before the Delegates, and also that we have positive evidence that such appeals were regularly carried to the Delegates. In 1882 the following facts were brought to the notice of the Eccl. Courts Commission by the Council of the Church Association, yet were entirely suppressed by the Commissioners in their Report.

"It appears from Mr. Rothery's preface to the Return of Appeals to the Delegates, that until the Civil War (1641) the Records of the Delegates afford extremely scanty information as to the cases brought before them. From 1544 to 1585 there are no records whatever, and between 1586 and 1641 there are eleven cases of correction of clerk, Nos. 2, 3, 6, 11, 12, 21, 28, 34, 39, 42, 45, and one of *duplex querela*, No. 1. All or any of these *may* have involved questions of doctrine or ritual.

Immediately after the Restoration in 1666, the Delegates deprived a clergyman for blasphemy. The following later cases also involved doctrine or ritual :—

No. 63 (1670). Jones *v.* Jones, not reading service in accustomed place.

No. 67 (1675). Lewys *v.* Cleeter, marrying without banns or license.

No. 79 (1682). Clewer *v.* Pullen, neglecting preaching, reading prayers, baptisms, and burying.

No. 97 (1691). Salter *v.* Davies, preaching in favour of Popery.

No. 118 (1704). Jones *v.* Pusey, speaking against Prayer Book.

No. 132 (1713). Pelling *v.* Whiston, heresy.

No. 162 (1742). Keith *v.* Trebeck, officiating without a license.

No. 173 (1773). Havard *v.* Evanson, impugning Creeds and Articles.

No. 174 (1775). Robertson *v.* Hutchinson, neglect to perform burial service.

No. 192 (1833). Wilcox *v.* White, officiating in unconsecrated building without a license.



This list does not include No. 58, *Hart v. Carey*, 1668-9, "disaffection from the Church of England" (Report, II-29), nor A.D. 1700, *Lucy v. Watson*, in which the Bishop was deprived by five Peers, five Judges, three Doctors, the Admiralty Judge and a Master in Chancery sitting with the six Bishops who were also Delegates of the Crown. In Whiston's case, 1713, a case of heresy, three Judges and five Doctors sat with six Bishops as Delegates. "The Common Law Judges sat in, at least, two out of three of the Ecclesiastical appeals from 1660 to 1703, and after 1703 were always present" (*Brodrick and Fremantle*, p. lvi).

Lord Halifax repeats and adopts (*Letter*, p. 51) the statement of Bp. Blomfield "that during the reigns of Henry VIII and Elizabeth there is no trace of any of the nobility, or common law Judges, in any Commission of Delegates, nor afterwards in one Commission out of forty till the time of the Great Rebellion."

But that statement is wholly untrue. Under Henry from 1538 to 1544, "the Commissions are exclusively composed of civilians. It is true there is no 'footstep' (to use Bp. Gibson's term) of temporal peers or common-law Judges, but neither are there any footsteps of Bishops or other dignitaries of the Church" (*Brodrick and Fremantle*, p. liv). In the only case known under Elizabeth an appeal from the Bishop of Winchester was heard by two judges joined apparently with some civilians (*Brodrick and Fremantle*, p. lv).

The "1080 cases" to which Lord Halifax refers were *not* the total number of suits, but only those for the years 1619-39. During those twenty years—

"The nobility and Common-law Judges were present in 182 Commissions out of the 1080, viz., rather more than one in six, and, in more

"than one case out of ten they formed the only element in the Court  
 "beside the civilians. On the other hand, the Bishops were present in  
 "about ninety Commissions out of 1080, viz., one in twelve, and in but  
 "twenty-four of these cases, viz., one in forty-five of the whole number  
 "of appeals, were they alone with the civilians. The civilians were  
 "present in all but two of the Commissions, and in more than four  
 "cases out of the five composed the whole Court" (*Brodrick and  
 Fremantle*, p. lii).

Those who wish to learn Lord Halifax's real opinion should turn to the evidence of the Hon. C. L. Wood in the second volume of the Eccl. Courts Commission. He there states that Doctrinal suits ought not to be tried in any court, but in Synods, and that no appeal lies *de jure* to the Crown. He said, "I should object to ANY appeal  
 "to the Crown from the decision of the final court" (Q. 939). Lord Coleridge put before him the common-sense views that "the authority of the State should from  
 "time to time say, *not whether these opinions are true or not*,  
 "but whether these opinions are held or not by persons  
 "who accept civil status and enjoy the properties"—but all in vain. It is less than candid therefore to quote to  
 "wily Winchester" (as John Foxe termed his predecessor) the authority of certain lawyers in the Whiston case while concealing the fact that they are dead against him on this far more vital point of an appeal to the Crown.

For the Opinion from which he quotes ran in these words—

"We are of opinion that of common right there lies an appeal from  
 "all the ecclesiastical courts in England to your Majesty, in virtue of  
 "your supremacy in ecclesiastical affairs, whether the same be given  
 "by express words of act of parliament or not: and that no act of  
 "parliament has taken away the same. And, consequently that  
 "a prosecution in Convocation NOT EXCLUDING AN APPEAL TO YOUR  
 "MAJESTY is not inconsistent with the statute 1 Eliz., c. 1, but reserves  
 "the supremacy entire."

If Lord Halifax admits an appeal from the "Sacred

“Synod” to the Crown, *cadit quaestio*; but, if not, it was hardly fair to poll this “Opinion.” For Abp. Tait had expressly called the attention of the Hon. C. Wood to this very point. The Primate then heckled the President of the E. C. U. as follows (Report, II-31):—

Q. 841. But subject, did it not say, to an appeal to the Crown?—I believe so.

Q. 842. That is rather important is it not?—It is.

And what is no less “important” is that Lord Halifax’s theories were sifted by two of the most friendly tribunals he could select, and were decisively rejected by both. Mr. Scott Holland in his “Summary” of the Commission of 1883 says (p. 199), “Convocation as a court of law has “been practically disposed of by the Commission”; and the Judgment of Abp. Benson on the question of Jurisdiction, delivered May 11th, 1889, was a death-blow to the “synodical” theories of Lord Halifax.



# Lay Judges in Church Courts.

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## The Primates' Bill

### Subversive of the Reformation:

BEING

An Examination of the "Ecclesiastical Procedure Bill" and An Analysis of the Report of the Ecclesiastical Courts Commission of 1883.

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#### CHAPTER I.

##### INTRODUCTION.—ORIGIN OF THE ROYAL COMMISSION.

THE characteristic features of the "Ecclesiastical Procedure Bill" submitted by the Primates to the Convocations of Canterbury and York (and which is merely the draft Bill withdrawn by Abp. Benson after its first reading in 1888) are avowedly adopted from the Report of the Royal Commission of 1883. Its details will be considered in the last Chapter. That Report, however, had deliberately exceeded the terms of the Commission given to the Commissioners, which purposely restricted their enquiry to "the *constitution* and working of the "Ecclesiastical Courts *as created or modified* under the "Reformation statutes of the 24 and 25 H. VIII, and any "*subsequent* statutes." It is important to note these words, because they had been carefully chosen in order to exclude any attempt at reviving pre-Reformation precedents.

Abp. Tait, in moving the Address to the Crown, said explicitly, "I may be told by some that in asking for the "issue of this Commission, I have not gone beyond the "Reformation statutes; but *in my own name, and in that of "the Bishops*, I beg to say that *we have no intention whatever "of going back beyond the Reformation*. I have a very "distinct and strong opinion that any interference with "that form of religion which was established in this "country by the Reformation, would be as grievous an "injury to the country as it is certainly distasteful to the "great majority of its inhabitants."

The Lord Chancellor gave similar pledges.<sup>1</sup>

Abp. Tait's unshaken Protestantism is seen throughout the Report, in his shrewd exposure of the sentimental grievances of the priest party. (*See* Vol. ii, especially Qq. 5902, 5961-2, 5975, 6176, 6240-1, 6251, 6873.) His views were known to be favourable to the retention of the Judicial Committee of the Privy Council, for reasons which he published in his preface to Brodrick and Fremantle's *Privy Council Judgments*, and again in 1877, in *The Church and Law*. But his health was also known to be failing, and he died on December 3, 1882. A resolution to postpone the consideration of the final Court of Appeal till "the spring of 1883" was moved by the Marquis of Bath on July 21, 1882. That resolution was lost: but that was the last meeting of the Commissioners which the Archbishop was able to attend; the sub-committees for *drafting* the Report having been appointed only the day before. His Grace's absence was a grievous loss to the Church, for we can hardly doubt that many obnoxious proposals which were carried by narrow majorities—seven to five, nine to eight, and nine to seven (*see* minutes of subsequent meetings)—would have been rejected had the chair been occupied by Abp. Tait.

But Mr. Gladstone had selected the members of this

<sup>1</sup> *See* Hansard, Vol. 259, pp. 383, 386, and *see* Report, Vol. II, Qq. 2224, 2297, 5120, 5148-9.

Commission with the express object of giving effect to his own intense dislike of the Judicial Committee of the Privy Council and of the Reformation Settlement as regards the Royal Supremacy. Ever since the public failure of the attempt in 1849 to expel Mr. Gorham from the ministry of the Established Church, Mr. Gladstone had set himself to get rid of the Crown Court of Appeal. In 1850, he published a pamphlet on *The Royal Supremacy*, which he reprinted in 1865, 1877, and 1879; and when nominating the members of the Commission he knew he could count entirely upon Professor Freeman, Dr. (now Bishop) Stubbs, and Bp. (afterwards Abp.) Benson. Professor Freeman, being a fervent admirer of "S. Thomas "of Canterbury," was eulogised in *The Church Times* as "a High Churchman whose services to the Church are "invaluable." He attended only sixteen out of the forty-seven meetings before the draft Report was presented, and we learn from the Minutes of the second meeting that Mr. Gladstone had given him beforehand a dispensation for this non-attendance. The "mutual admiration" of Professors Freeman and Stubbs had long been a standing joke. Their brother-Professor Thorold Rogers had described how—

"from rival tubs

"Stubbs butters Freeman, Freeman butters Stubbs."

Both historians, indeed, were saturated with the spirit of the mediæval church, and Dr. Stubbs had been for some years a member of the E. C. U. But these trusty leaders were also provided by Mr. Gladstone with a reliable backing. Two members of the English Church Union, viz., the Marquis of Bath, and the Earl of Devon, the father-in-law of Viscount Halifax; Sir Robert Phillimore, who, years before, had been in consultation with Mr. Gladstone as to this very subject,<sup>2</sup> and who, in the Bennett case had pronounced an "extra-judicial opinion" in favour

<sup>2</sup> *Life of Bp. S. Wilberforce*, II-288.



of the "adorable sacrifice of the Mass<sup>3</sup>;" Bp. Mackarness (an ex-member of the English Church Union, who claimed<sup>4</sup> to have "vindicated the old historical independence of the "Church courts" by vetoing the Clewer Case); Dean Lake, and Prebendary Ainslie, signatories of the "Remonstrance" against the Purchas Judgment; Sir R. Cross, and Mr. Whitbread, both of whom voted against allowing any appeal from the Bishops' veto when the Public Worship Regulation Bill was before the Commons; Mr. Charles and Dr. Deane, the counsel of the English Church Union; Lord Blachford, described in *The Guardian* (November 27, 1889) as "one of the founders, and long "one of the principal directors of this journal"; Chancellor Espin, the sole clerical judge then extant; and against these, who would of themselves form a solid majority whenever a critical division might be called, there were appointed only *two* Evangelicals, viz., Lord Chichester, then æt. 77 and very deaf, and Dean Perowne, who, not being specially conversant with the subject, would be unlikely to issue a separate Report.

The object of this careful packing of the Commission was to ensure such a report as should condemn the appeal to the Queen in Council, and restore the "personal" jurisdiction of ecclesiastics, following reverently pre-Reformation precedents in lieu of those designated by Abp. Tait and designedly included in the terms of the Royal Commission. With the same object a systematic agitation had been kept up for years, stimulated by controversial writers, who attacked each judgment of the Privy Council in turn, accusing Lords Selborne, Cairns, Hatherley, Chelmsford, Kingsdown, and their colleagues, of ignorance, incompetence, and dishonesty. Meetings had been held in various parts of the country, at which these incriminating statements were reiterated, until, being seldom

<sup>3</sup> See p. 18 of *Is Lord Penzance fit to succeed Sir R. Phillimore?* (London, Marlborough.)

<sup>4</sup> Report, Vol. II, p. 196.

contradicted, they came to be regarded in some quarters as beyond contradiction!<sup>5</sup> The result was the production of considerable discontent.

The Royal Commissioners very properly invited representative men to explain the grounds of their discontent, but unhappily no attempt was made to tabulate the curiously-inconsistent and conflicting replies. That the evidence did not furnish an adequate basis for the recommendations of the Commission is shown in the Analytical Index, which exhibits the extravagant incoherence of the views professedly entertained by the witnesses. (*See below, p. 126.*)

The attack upon the Judicial Committee commenced on July 22, 1891, when Dr. Stubbs moved for eight returns, the first of which he "offered to make himself" to elucidate "the constitution and working of the Ecclesiastical Courts as created, modified, or otherwise recognized under the Reformation Statutes of the 24th and 25th years of King Henry VIII, and subsequent statutes." The interpolation of "otherwise recognized" enabled the abolished procedure and the suppressed courts to be included, as well as those indicated in the terms of the Royal Commission.

The second return moved for, and furnished by Dr. Stubbs, was a list of trials for heresy "UP TO the year 1533." That seemed a curious way of illustrating the working of courts "created or modified" at that very date or by "subsequent statutes."<sup>6</sup> But, whatever the intention,

<sup>5</sup> Many of these canards will be found described in Mr. Clements' *Priest and the Privy Council*, each with its appropriate exposure. (J. F. Shaw & Co. Price 4d.) It will be noticed that in their evidence before the Commissioners neither Dr. Littledale nor Canon MacColl ventured to adduce any of these "putid fables" which are so effective with less instructed audiences.

<sup>6</sup> It should be understood that the list gives a mere percentage of the recorded cases. It excludes men like James Bainham and the "purser" who suffered with him (Wriothesley's *Chronicle*, I-17),

it led to the exclusion of the case of Lambert, who, in 1538, appealed from the Court of the Archbishop, and was tried for heresy by the King sitting in person, with the whole peerage and the twelve judges acting as assessors. It enabled also the trials for heresy in the reign of Mary to be hidden from consideration, for though subsequent in date, they illustrate the received theory of the Un-Reformed Anglo-Roman Church, seeing that Mary sought throughout to go back to A.D. 1529, the "twentieth year" of H. VIII. Such details would have been fatal to Canon Stubbs' theory; because, as Mr. Droop brought to his notice [Report, Vol. II, p. 94, Q. 2165], Cranmer was examined by the commissary of the Pope who sent his sentence of condemnation for heresy *direct* from Rome; and as it was essential to Dr. Stubbs' argument that the jurisdiction of the Pope in heresy should be denied, the economy of excluding this evidence by limiting the return to the period *prior* "to the year 1533" will be obvious. (See below, p. 124.)

burned only a few weeks after "the Great Statute of Appeals" (Brewer's *State Papers*, V-772), upon a sentence given only by the Vicar-General, April 20, 1532. It excludes also the burning of Andrew Huett and John Frith, the indignation at whose death is supposed to have occasioned the passing of 25 H. VIII, c. 14 (Foxe, *Act and Mon.*, V-66, note), and scores of others. A list of burnings for heresy in the reign of H. VIII omitted by Dr. Stubbs from his Report will be found in *The Church of England Almanack*, for 1893. Others are mentioned in Dasent's *Act of the Privy Council*, p. 418, Strype's *Eccl. Mem.*, III-ii-8, 137. Trials for heresy before the Chancellor or Vicar-General (which Dr. Stubbs denies) are mentioned by Strype *Eccl. Mem.*, I-i-113, 118, 131, 132 and III-i-539. Wolsey was burned at Ely in 1555 on the sentence of the Vicar-General, the suffragan Bp. Shaxton merely assisting. (Burnet, III-ii-536, 546.) Fuller acquits the Bishops and blames the Diocesan Chancellors for the trial and condemnation of divers burnt "heretics." (*Hist.*, Brewer's Edit., IV-181, 187, 188, 196. Cf. Foxe, *Act and Mon.*, VIII-146, 428, 504.) By suppressing such facts as these the "personal" jurisdiction of the Bishops is supposed to be bolstered up.



On comparing pp. xvii to xlv of the Commissioners' Report with Dr. Stubbs' "Historical Appendix, No. 1," it will be seen that all the theoretical portion of the Report was taken *verbatim* from his draft. That draft had for its primary object the discrediting of the Queen in Council as a Court of Appeal.

Strong feeling is shown in the suggestion (on p. 48-ii) that the Delegates suppressing the "grounds of their "decisions had at all events the effect of saving the "country from the infliction of an *authoritative* exposition "of law from *inexperienced* judges." On p. xl, the Commissioners omit a similar attack upon "prelates like Parker, Andrewes and Laud" for being "content to act "under such commissions" as are irreconcilable with Dr. Stubbs' theories (p. 50-ii of his Draft). In summing up he repeats his own contemptuous estimate of the Judicial Committee, by saying the Act appointing the Privy Council in lieu of the Delegates did not make "any "provision for the trying of such points *by judges who had "either spiritual authority or theological competence.*" He suggests that the existing state of things has been brought about by "the assumption of successive generations of "lawyers, and the *lâches* or want of foresight on the part "of the Clergy." His final conclusion, to which all the paper has been working up, is "that under these circumstances the maintenance of the existing jurisdiction of "the Judicial Committee of Privy Council as a final "tribunal of appeal in matters of doctrine and ritual, is "not to be regarded as an essential part or necessary "historical consequence of the Reformation Settlement." These conclusions were not formally endorsed by the Commissioners; but the whole of this so-called "Historical Appendix" is the pleading of an advocate anxious to establish a theory, rather than to ascertain and develop the whole truth: and it is an unusual instance of deference to ecclesiastical "authority" that the Commissioners should have accepted implicitly as "irreformable" the

series of historical myths contained in this "Draft report."

Dr. Stubbs' theory is this: the "Reformation" was merely an anti-*Papal* movement; the Pope had then no appeals in heresy or discipline; the King merely succeeded to the *de facto* then existing powers of the Pope; consequently the King had no appeals in heresy or discipline. Therefore the King's "Delegates" could not try heresy, the King's powers being merely visitatorial, analogous to the *appel comme d'abus*; and all beyond this was due to a claim of "headship" which is undefined, and was laid aside as "unconstitutional" by Elizabeth. From all which he deduces the welcome hypothesis that the Crown is not the source of ecclesiastical jurisdiction, but merely exercises, as from without, a visitatorial or corrective superintendence over an independent set of courts, the judicial authority in which "proceeds from "and resides in" the Bishops. It was to give effect to this theory that the recommendations of the Royal Commissioners were framed, and in view of its momentous consequences, it behoves us to examine in detail the theory itself.

## CHAPTER II.

### CANON LAW *v.* THE REFORMATION SETTLEMENT.

FEW laymen realise the fact that the Reformation in England failed to effect any revision of pre-Reformation canon law.

That law had never emanated from either Crown or Parliament, but was made exclusively by clergymen. By far the greater bulk and the most important portions of it had been made in foreign countries and by foreign ecclesiastics. It was international rather than national, European rather than English, because common to all Western Christendom which owned the Papal sway. Professor Maitland in his *Roman Canon Law in England* (published by Methuen) has shown that Papal Decretals and Legatine Constitutions were received as the very highest known authorities by every English ecclesiastical judge.

Yet in order to make out the desired "continuity" of the Reformed with the unreformed Church, and to obtain recognition for the system which the Reformation had supplanted, the Report of the Royal Commission of 1883 actually asserted that "the Canon Law of Rome was not "held to be binding on the [English] ecclesiastical "courts" (p. xviii). It was pretended that only national and English provincial canons had any legal force. Nothing could be more utterly untrue. Professor Maitland shows from Lyndwood, the Archbishop of Canterbury's own Official Principal, that not only did the



Roman Canon Law override all merely insular constitutions, but that it was with a very few trivial exceptions the only law which the English Ecclesiastical Courts recognised. No continental Ultramontanist could exceed Lyndwood in the clearness of his teaching that the Papal decretals were only a little less than Divine. His commentaries on the English canons all alike assume, as matter of course, that the provincial constitutions were merely supplementary and subordinate to the higher law of Western Christendom of which England then formed but one of many departments. The Pope exercised also an *ordinary* jurisdiction throughout the realm, subjecting even the Primate himself to the jurisdiction of his own "subjects."<sup>1</sup> The more important cases were submitted directly to this foreign court in order to save time and expense, because an appeal from the ordinary Courts would otherwise have had to be carried to Rome in addition to the long vexations and costly delays of our own Diocesan and Provincial Courts.

All that was needed before enforcing Roman canons in this island was their publication by the presiding bishop in an English synod. To take a crucial test-case—the Canons of the Fourth Council of Lateran (which made auricular Confession compulsory, made also the denial of "Transubstantiation" a capital offence, and denounced a death penalty against all heretics, excommunicating every civil governor<sup>2</sup> who refused to enforce these punishments, and absolving all his subjects from their allegiance), were formally promulgated in a long series of English Provincial and Diocesan synods. In that celebrated General Council of the Fourth Lateran, A.D. 1215, three Scotch bishops and the Primate of England, with an ambassador from the English Court were present. And the Synod of Oxford, A.D. 1222 (in which the Cardinal-Legate Langton, fresh from the Lateran Council, himself presided, and at

<sup>1</sup> Maitland, pp. 111, 113.

<sup>2</sup> Evans' *Statutes of the Fourth Council of Lateran*, p. 30.

which the Lateran decrees were formally promulgated and so made part of the Canon Law "binding" in this country) is the authority upon which in A.D. 1890 Abp. Benson, assisted by the present Archbishop of Canterbury and four other bishops, in their notorious "Lambeth Judgment" in *Read v. Bishop of Lincoln* rested the lawfulness of burning "lights before the sacrament," a practice sanctioned by Pope Innocent III, the President of the Lateran Council.

This recent illustration of the actual application of pre-Reformation Roman canon law to the "burning" questions affecting our English Church at the present day illustrates the grave importance of the proposed "re-habilitation" of the ecclesiastical courts. For as no portion of the pre-Reformation Canon law was expressly repealed, and as unrepealed canons may be revived at any time by the Ordinaries, the only criterion as to whether an ancient canon is now in force lies in the discretion of the Judge. If therefore the appeal to the Crown could only be got rid of, or reduced to a mere "*appel comme d'abus*," there is no restriction or limit to the practical revival of Papal canon law. It is true that canons which conflict with Royal prerogative or with the statute or the common law of England are inoperative and invalid. But this alleged "conflict" must always be matter of inference, and mere inference will always depend on the animus and the traditions of the Court itself.<sup>3</sup> For a time, individual bishops may select only the mildest and most reasonable of the Constitutions of olden time: but the very same authority which would enable them to vindicate the "lawfulness" of altar lights, or the "duty" of fasting communion, is equally good for enforcing compulsory Confession before an Easter communion, or drinking the rinsings of the priests' fingers.

Already we have proposals to found a chair of Canon law, and the present Bishop of Salisbury has offered to

<sup>3</sup> See Bp. Burnet as quoted below, p. 52 and p. 98.

contribute one-half of the endowment of such a chair: already, too, some half-dozen books have been published by Anglican admirers of the mediæval Canon law.

Mr. Gladstone, we are told by his friend the Bishop of Oxford, "looked forward to clerical Chancellors, *when the clergy are educated* for it hereafter."<sup>4</sup> Meantime, as a provisional step, the diocesans are revising the patents to be given in future to their legal Chancellors so as to reserve to the bishop "personally" many of the powers hitherto entrusted to a trained lawyer. And when Canon law is being pleaded before a Clerical judge, it will seem but reasonable that the bar should consist of students in Canon law, *i.e.*, of clergymen who have made it a hobby to become "experts" in mediæval precedents and text books. (*See below, p. 107.*)

In consultation with Sir R. Phillimore and Bp. S. Wilberforce, Mr. Gladstone proposed, as far back as 1855, to repeal the Act of Wm. IV, which constituted the Judicial Committee of Privy Council; also to "give a "reference which need not be binding, to the bishops of "the Province; letting the lay Court, as a lay Court, "decide the individual cause, and trying to guard the "precedent." These latter features are substantially embodied in the "Ecclesiastical Procedure Bill" of Archbishops Temple and Maclagan. Of course, the three gentlemen who originally evolved this scheme contemplated also a revival of the Canon law. But, as Mr. Gladstone shrewdly remarked, the "discrepancies of the "law might be dealt with at an after time, the rule in our "time being, as to all Church matters, to put the cart "before the horse."<sup>5</sup> It was evidently felt that if ecclesiastics could be substituted for Judges, and the control of the Crown Court of Appeal could be got rid of or rendered illusory, it would need no fresh legislation to revive (cautiously, of course, at first, and gradually, but) with

<sup>4</sup> *Life of Bp. S. Wilberforce*, II-288.

<sup>5</sup> *Life of Bp. S. Wilberforce*, III-105.



pitiless logical consistency the entire Roman code of "spiritual" discipline. The Report of the Royal Commissioners of 1883 shows that "the corrective discipline formerly exercised over laymen has never been formally withdrawn." (App. I-180.)

The Commissioners recommend that "imprisonment for refusal on the part of a *clerk* to obey the order of an ecclesiastical court shall be abolished" (p. lix), but in the case of the laity they suggest that the process of *significavit* and the issue of the writ *de contumace capiendo*, whereby contumacious persons are sent to prison, "should be simplified" so as to make the remedy swift and sure. (p. lx.) For, as Lord Halifax told the Commissioners, "Whereas formerly the Ecclesiastical Courts were employed by the clergy as instruments for enforcing discipline upon the laity, they are now utilized by the laity for prosecuting and imprisoning the clergy." (Report, II-44.) Sir Walter (now Lord Justice) Phillimore told the Commissioners—"I do not know what could be done in the case of the laity—except imprisonment." (Report, Vol. II, Q. 1872.)

The Commissioners themselves record in their Report (p. xxii) that—

"Ecclesiastical jurisdiction in its widest sense covered . . . the morality of the laity, their religious behaviour, their marriages . . . the maintenance of the doctrines of the faith by laity and clergy alike, and the examination of all contracts in which faith is pledged or *alleged to be* pledged, the keeping of oaths, promises, and fiduciary undertakings; . . . no matter touching the government of souls should be tried by a secular tribunal." "This jurisdiction," they add, "was exercised as a part and result of the visitatorial and penitential discipline of the Church on the information by presentment at visitation, or by express complaint of a party injured or *willing to give information*. It is with causes of this kind that the records of the Consistorial Courts are filled, and it was no doubt the unpopularity of this part of the ecclesiastical procedure, and the array of spies and informers which it tended to create, that gave rise to the petitions against the system which helped to bring about its downfall. The procedure in this material was simple and *summary*, the penalties imposed were

"of a penitential character, and were *capable of commutation for money* at the discretion of the Court." (Report, p. xxiv.)

Hence it is a vulgar error to suppose that laymen are not concerned in this revival of mediæval Canon Law. Lord Halifax, addressing the English Church Union at Bradford on September 26, 1898, said :

"In the Church of England there is that Canon of Abp. Peckham (of Canterbury) in the thirteenth century, commanding that in every parish church the Blessed Sacrament should be reserved and renewed from week to week ; that It should remain, so that, if any were sick, they might receive It. And that Constitution of Abp. Peckham has never been repealed. As I said before, the Church of England is the same Church as existed before the Reformation. The laws that the Church had before the Reformation, if not repealed, are in force now. As this custom and rule of Reserving the Blessed Sacrament was neglected and dropped, entirely illegally, at or after the time of the Reformation, so it may be legally restored now ; no permission is required to restore what was illegally disused." (*Bradford Speech*, published by the E. C. U., p. 18.)

But that is even an *under*-statement of the theory. For should a bishop monish one of his clergy under this Canon to reserve the Host, the latter would be bound to obey, and a purely spiritual court would be bound to convict the clerk on the hypothesis here broached. The very same "canon" quoted by Lord Halifax goes on to bid a light to be carried and a bell to be rung before the wafer in procession, to excite the people to "prostrate themselves wheresoever the King of Glory is carried about under his lurking-place of bread (*ad prosternendum se ubicunque Rex gloriæ sub panis latibulo evenerit deportari*").<sup>6</sup> Three months' suspension was the lightest punishment which awaited any breach of these directions.

<sup>6</sup> Lyndwood's *Provinciale*, p. 250.

## CHAPTER III.

### SPIRITUAL JURISDICTION.

BEFORE plunging into the details of the "Historical" Appendix, it is necessary to appreciate the root fallacy which underlies the whole Report. Dr. Stubbs had urged upon the Commissioners "the extreme importance of . . . careful limitation of the terms "used." (p. 22.) Yet neither his "Draft" nor the Report pays the slightest attention to the fundamental importance of the two words "spiritual" and "jurisdiction" to which their attention had been formally called by a "Memorial" (of which, by request of their secretary, a copy had been sent to each Commissioner in December,<sup>1</sup> 1881). The Commissioners at their twenty-second meeting refused to print this Memorial, although they had already reprinted from *The Church Times* of June 24th, 1881, an Address by the President to the members of the English Church Union of *double the length* of the "Memorial," and this in addition to giving his "evidence." By ignoring all attempt to clear up the meaning of technical terms, it became possible to describe "moral and consensual authority" as working "through

<sup>1</sup> "Memorial of Laymen's Defence Association to the Royal Commissioners on Ecclesiastical Courts," published by Marlborough, 51, Old Bailey, London. Price 4d. A still more valuable Memorial (drafted by Mr. Droop, perhaps the most learned ecclesiastical lawyer of his day), was presented on May 4th, 1882, by the Council of the Church Association, and suppressed by the Commissioners.



“voluntary obedience and the use of simply spiritual “authority,” and in the same breath to call it “the “jurisdiction of ecclesiastical judicature.” (Report, Vol. I, p. 22-i.) Such language is neither “historical” nor accurate. “Voluntary and consensual” obedience depends entirely upon the will of the person who chooses to obey; recognizes no “law” but such as he willingly chooses and consents to acknowledge; it begins *when* he chooses, is changed *as* he chooses, and ceases *when* he pleases. It has no more to do with “jurisdiction” than has the tossing up of a coin by which two schoolboys agree to determine a dispute.<sup>2</sup>

“‘Jurisdiction,’ which is a term of the Civil Law, was not adopted ‘into the Canon Law as applied to Bishops until the 12th century. ‘‘Jurisdiction’ was never attributed to Bishops until Emperors and ‘Kings had conferred on the Bishops a power of exercising, in their ‘own Courts, an external coercion over the *bodies and goods* of men. ‘Then, and not before, we meet the term ‘spiritual jurisdiction.’”—*Dr. Stephens’ Correspondence with the Archbishop of Armagh*, p. 10.

Dr. Littledale in his “Plain Reasons” (Preface, p. xxvi) cites Dupin for the

“Remarkable fact that during the eight first centuries of the Church, “whenever mention was made of Church authority, these terms “‘jurisdiction, sovereignty (*majestas*) or *tribunal*’ were not employed, but only that of ministry of the chair.”

*The Church Times*, in an editorial answer to correspondents, January 5th, 1883, says:—

“Jurisdiction has nothing to do with Orders. A newly-elected Pope “even if still a layman, receives at once jurisdiction over the Roman “Church before his ordination or consecration, and the same holds “good of any priest or layman nominated to be Bishop of a Roman “diocese, for he enters at once on all *legal* powers within it. It is thus “a mere creature of human law.”

An Anglican bishop, as such, has no jurisdiction: on the other hand, a clerk duly elected to a bishopric receives and exercises episcopal jurisdiction prior to his

<sup>2</sup> Bracton calls these “judicia delusoria,” lib. iv., fol. 407.

consecration, from the moment of his "confirmation" by the Royal Commissioners. The Irish Act, 2 Eliz. c. 4, gave by the Royal letters patent the same powers "as though the *congé d'éslire* had been given, the election duly made, and the same confirmed." Our English lawyers have always claimed for the Crown exclusive "jurisdiction," i.e., the power (*juris dicendi*) of defining THOSE CORRELATIVE RIGHTS AND OBLIGATIONS WHICH ARE THE CREATIONS OF LAW.

"*Jus* is the scheme of rights subsisting between men in the relations, not of all, but of civil society," says Mr. Gladstone, quoting Cicero. "*Jus hominum situm est in generis humani societate.*"—*Royal Supremacy*, p. 26.

This sense of the word, Mr. Gladstone says, was that of Lord Coke, and he adds:—

"excludes altogether that of the canonists and [is] also a sense which appears to have been the genuine and legitimate sense of the word in its first intention. Now, when we are endeavouring to appreciate the force and scope of the legal doctrine concerning ecclesiastical and spiritual jurisdiction, it is plain that we must take the term employed in the sense of our law, and not in the different and derivative sense in which it is used by canonists and theologians. But canonists themselves bear witness to the distinction which I have now pointed out. The one kind is '*jurisdictio coactiva, propriè dicta, principibus data*;' the other is '*jurisdictio impropriè dicta ac merè spiritualis, ecclesiæ ejusque episcopis a Christo data.*'"<sup>3</sup>—*Royal Supremacy*, p. 25, citing Van Espen.

This distinction was clearly perceived by Henry VIII. [see Letters of the Spanish Ambassador, under dates February 14 and May 13, 1532. Report, Vol. I, pp. 89, 93.] He pointed out to Bishop Tunstal (p. 36-i) that "as to spiritual things, meaning by them sacraments . . . forasmuch as they be no worldly nor temporal things, they have no worldly nor temporal head, but only Christ who did institute them, by whose ordinance they be

<sup>3</sup> "Coercive jurisdiction, properly so-called, given to Princes," and "jurisdiction, improperly so-called and merely spiritual, given by Christ to the Church and its Bishops."

“ministered here by mortal men . . . who *for the time* they “do that and *in that respect* ‘tanquam ministri versantur in “his, quæ hominum potestati non subjiciuntur; in quibus “si male versantur sine scandalo, *Deum ultorem habent*; “si cum scandalo, *hominum cognitio et vindicta est.*”<sup>4</sup> Hence “all spiritual things by reason whereof may arise “bodily trouble and inquietation be necessarily included “in the prince’s power,” while the persons, *laws* and acts of priests “be *indeed* all temporal, and concerning this “present life only.”<sup>5</sup>

This was a clear and statesmanlike view, viz., that the “*ministering* of the word and sacraments” (Art. 37) as such, was not a matter of “jurisdiction” at all, but was reserved to God and the day of His Judgment; except, and so far as it produced a “scandal,” which overt act brought it AS A SCANDAL within the sphere of “jurisdiction.”

The utter confusion which results from neglecting this plain distinction was well illustrated by some of the “spiritual” witnesses. Canon Liddon, for instance, cited Bishop Andrewes as saying “*Docendi munus vel dubia legis “explicandi, rex non assumit.*”<sup>6</sup> (Q. 7390.) Now, at page 380 of “*Tortura Torti*,” to which Canon Liddon refers, it will be found that *Legis* is printed with a capital “L,” for which, in correcting the notes, Canon Liddon had unadvisedly substituted a small “l,” and thereby concealed from himself the distinction which Bishop Andrewes is

<sup>4</sup> “As ministers are employed in things which be not subject to the “power of men : in which, if they act amiss *without* scandal, they “have God for an Avenger : if *with* scandal, the cognizance and “punishment belong to man.”

<sup>5</sup> It should be noticed that this letter of King Henry is “curiously “reticent as to the exclusion of Papal authority,” as Dr. Stubbs “notes (p. 36-i) ; the King “had not formally broken off relations with “the Pope ;” but his relations *with his own Clergy* were the subject of “Reformation.”

<sup>6</sup> “The king does not assume the office of teaching, nor of explaining doubtful matters of the law.”



careful to make in that very passage between the Divine "Law" and human "jus." The former is not the subject of "jurisdiction;" the latter is; and Bishop Andrewes goes on to assert, as the Royal prerogative, "*Omnibus omnium ordinum jus dicendi: . . . etiam Abiathar ipsum, si ita meritis, pontificatu abdicandi.*"<sup>7</sup>

Dr. W. Phillimore similarly confounded "jurisdiction" with power to "bind and loose" (Q. 1353), or "the power to bind consciences" (Q. 1892); and Canon Jenkins, referring to the same fancy, says (Q. 2906), "when we gave up the Sacrament of Penance we kept, as it were, the whole framework which had been built upon it remaining still; although *we had destroyed the foundation*, we proceeded as if we still had the same jurisdiction remaining *which was transferred to the Crown* and the civil courts:" whereas, urges Canon Liddon (Q. 7323), "Our Lord Jesus Christ has given no authority to laymen to rule authoritatively questions of Christian discipline and doctrine." But doctrine, *as doctrine*, cannot possibly be the subject of "jurisdiction," so as to be "ruled authoritatively" by litigation in "Courts" to be either true or false. As Mr. Body says, "Judicial power resides in the Church's Head" (Q. 3725), which is, of course, quite true in the sense of King Henry, "*Deum ultorem habent.*"

The Royal Commissioners are themselves guilty of the same confusion: they speak (p. xvii.) of a "jurisdiction" in "disputes which *did not admit of* or require legal decision," yet which was exercised, they tell us, in a "proper Ecclesiastical Court;" yet, on the preceding page, they take credit for using "language of definite import!" No wonder that the witnesses lost themselves in such a fog. Mr. Mackonochie said, "I do not think that coercive jurisdiction ought to exist at all in a Christian Church." (Q. 6164.)

Mr. Wood (now Viscount Halifax) declared that at no

<sup>7</sup> "Of declaring '*jus*' to all men of all orders . . . even of dismissing Abiathar from the High-Priesthood if he so deserved."

time would doctrine have been "tried in the Ecclesiastical "Courts." (Q. 971.) Mr. B. Compton, on the other hand, is clear that the Bishop's "*forum domesticum* is no *forum* at "all." (Q. 2719.) Canon, now Bp., Wilkinson expresses the same thought with charming *naïveté*, "My bishop is "very busy; he has not had the leisure that I have had "to study the history and teaching of the Church, "however great and good he may be as a bishop. Over "the bishop is the Church with all her long history of "precedents. I have studied them, and taken advice "from men who have studied them even more deeply "than myself. . . . So, my lord, while I respect you "personally, I do not recognize in what you have now "said spiritual authority." (Q. 1832.) That is an amusing illustration of the distinction between "spiritual "authority" and "jurisdiction:" the former depends evidently upon subjective assent, notwithstanding all its fine professions of abstract deference; while the latter in no way rests upon such assent, but is exercised for the most part "in invitos," the "stubborn and evil-doers" of the 37th Article.

The other word which the Commissioners omitted to define was the term "Spiritual;" yet a good deal of obscurity and glamour is created by the use made of it. If we simply substitute the word "clerical" for it wherever it occurs in the Report we shall not have altered the meaning of the sentence, but we shall often completely shatter its force. The mere selfish professional trades-unionism stands naked and bare when the claim for "spiritual independence of the Church" is seen to mean in plain English the "clerical independence of the clergy." Before the Reformation, the word "Church" had come to mean<sup>8</sup> "clergy," and in this sense it is used on the

<sup>8</sup> See below p. 95. So Henry VIII in his letter to the York clergy wrote, "the Church, *i.e.*, the clergy of England. Which manner of "speaking in the law ye have professed ye many times find." (Wilkins' *Concilia*, III-763.)

very first page of the Report. "Religion" had come to mean monkery; and "Spiritual" naturally fell to the priests. Thus, in the Statute 9 Ed. II, St. 1. c. 1, "If  
 "a clerk or a religious man do sell his tithes . . . if the  
 "money be demanded before a spiritual judge, the King's  
 "prohibition shall lie; for by the sale the *spiritual goods*  
 "*are made temporal*,<sup>9</sup> and the tithes turned into chattels." So by the 13 Eliz. c. 10, "fraudulent deeds by spiritual  
 "persons shall be void." And by 21 H. VIII, c. 13, "spiritual persons abridged from plurality of livings." The 28 H. VIII, c. 13, was "A bill for non-residence of  
 "spiritual men," and 5 and 6 Ed. VI, c. 12, repealed laws which forbade "marriage to spiritual persons." Being thus established in the usage of the day and employed in older statutes it was retained in this narrow and inaccurate meaning in the earlier "Reformation  
 "Statutes." But "subsequent Statutes" have recognized that "the Church" means *now* the assembly of the faithful (Art. 23, 37, &c.) and modern usage assigns to the word "spiritual" its older and natural sense of relating to either the Divine or the human "*spirit*." Doctrine (and its vehicle, Ritual), and, in a less direct way, Discipline, are "spiritual" matters in *both* senses of the word. But "jurisdiction" has nothing to do with them in the last-mentioned sense. Only spiritual weapons—argument, persuasion, appeals to the reason, conscience, heart, imagination, and to hopes and fears which relate to the unseen, and the future world—these are "*spiritual*," in the true sense of that word; but on that very account they are not, and cannot be made subjects of human "jurisdiction," "*Deum ultorem habent*."<sup>10</sup> In reading the Report, therefore, it is necessary to bear in mind that the only legitimate applicability of the term "spiritual" to

<sup>9</sup> The tide then set just the other way, for "nearly half the Knights' fees in England had been transferred to Ecclesiastical holders." (Rev. S. Robins on Royal Supremacy, p. 153.)

<sup>10</sup> "They have God for their Avenger."



*Courts* is in the narrow and obsolescent sense of "clerical." Yet, even so, ambiguity is not got rid of. What is a clerical court? Is it (1) a court dealing with the professional concerns of clergymen (and in a less degree with laymen who are acting in their concerns); or (2) a court presided over *by* a clergyman; or (3) a court deriving its authority *from* clergymen; or (4) a court of the Crown "sanctioned by Convocation," or by some other clerical organ?

The Commissioners do not seem to have agreed at all as to the true answer. Archbishop Tait put to Dr. Stubbs this awkward question (Q. 1103):—"Is it the "person who exercises the authority, or the person from "whom the authority proceeds, that constitutes it "spiritual?" To which came this modest reply:—"I should not like to answer. It is rather out of my "line, and it is a question to which *there is a good deal of* "theory attaching." (Compare Vol. I, p. 40, col. ii.) How much "theory" there is may be discerned from the list given in the Index, p. 126. Dr. Walter Phillimore, however, was clear that a Spiritual Court means a Court having a clerical judge. (*See* Qq. 1929, 1892.) As a lay Chancellor himself, and the son and grandson of lay Official Principals, the following touching confession can only have been wrung from him by the power of conscience. (Q. 1360.) "The true court was a court "where the Bishop sat, with a select number of his "clergy, and that every derogation from that is a deroga- "tion from the true standard, and that a court where an "official principal sits is the furthest possible deviation "from that standard." Yet in a very instructive passage of arms between him and Lord Chief Justice Coleridge (Vol. II, p. 82), Dr. Phillimore was compelled to admit that even a Bishop cannot absolve, except after process in Court, and in accordance with the judgment of a "Judex," who may be a layman. To get over this scandal, this learned civilian invented a distinction

between an "Ecclesiastical" and a "Spiritual" Court (Q. 1929), which added still further to the confusion.

On the whole the third "theory" seemed most popular. The fourth was largely favoured until it was pointed out that the first two Canons of 1604 sanctioned the Court of Delegates and the Judicial Committee, and so gave "the sanction of Convocation." (Qq. 3707-11.) The Prolocutor of York Convocation, however, said, "The Canons of 1603 are very little authority. No one knows exactly 'what authority they have.'" (Q. 4530.) (Compare Hope, Q. 6412.)

It is amusing to notice in this connection the manipulation of mere English canons in this Report. The Commissioners mention "The canons of 1571", though they were never sanctioned by the Lower House of Canterbury,<sup>11</sup> and even those of 1597, which were never so much as submitted to York Convocation at all, nor perhaps to the Lower House of Canterbury;<sup>12</sup> but the Canons of 1606 though passed in due form by Canterbury Convocation, acting under license from the Crown, and under the presidency of the same Abp. Bancroft who drafted the Canons of 1604, are entirely ignored. To the first book of these Canons are appended the subscriptions of the Archbishop of Canterbury, and those of the President and members of York Convocation also. The remaining canons are also vouched by the signature of the Prolocutor-Overal, afterwards Bishop of Norwich, as having been "unanimously approved on the third reading 'in the Lower House of Canterbury Convocation'". The entire collection was published by Abp. Sancroft in 1689 and again in the *Anglo-Catholic Library*. Whatever authority can be conferred by merely "spiritual" or "synodical" approbation belongs to this collection of abortive bye-laws. Their non-recognition by the Commissioners is the more marked because these canons dealt

<sup>11</sup> Cardwell, *Synodalia*, p. 111.

<sup>12</sup> Lewis' *Reformation Settlement*, p. 310, note.

directly and expressly with the very subject of this chapter. In opposition to the claim of Papal Supremacy put forth by the Jesuit emissaries, Parsons and Sanders, these Canons asserted the Royal Supremacy in terms strongly condemnatory of the theories of Professor Stubbs. For instance, Canon 5 (Book II) condemns the "Catholic" theory of the "Unity of Christendom," pronouncing it a "great error" to affirm that—

"All the particular churches in the world are otherwise termed one church, than as He Himself is the Head of it, and as all the particular kingdoms in the world are called One Kingdom, as He is the only King and Monarch of it".

Another "great error" condemned in Canon 29 was to assert (with Lord Halifax) that under the Jewish Princes

"The priests both high and low, had not grievously sinned, if they had not submitted themselves in the said ecclesiastical causes to the direction of those their civil governors".

It may seem strange that a Royal Commission should pronounce upon "Spiritual Courts" without ascertaining or defining what was meant by the term. But they had left themselves in the hands of Professor Stubbs; and he, as we have seen, felt that "a good deal of theory" is needed to account for the plain historical fact, that Spiritual Courts of every grade have been "created and modified by *Statutes*," have been presided over by laymen, under Royal Commissions, and have suspended and deprived Archbishops, Bishops, and other clergymen, and inflicted upon them the censures and excommunication of "Holy Church."<sup>13</sup> None of the transcendental "theories" would fit these facts, so nothing was left but to use the word "jurisdiction" in a loose sense, sometimes for the mere terrorism of superstition, sometimes for the due administration of "*jus*" in the "*King's Ecclesiastical Courts*;" while "spiritual" could be used throughout the Report so as to cast upon laymen

<sup>13</sup> Parliament even decreeing excommunication, as in 5 and 6 Ed. VI, c. 4, sec. 2.



and their laws the implied censure of being less Divine than canons, constitutions, and other clerical bye-laws.

What feats of deception cannot be played even upon Royal Commissioners when verbal ambiguities are permitted to the sophist? At least let *us* recognize the need of using the same words in the same sense, and of defining the technicalities upon which we propose to build our theories.

At p. liii of their Report, the Commissioners have given (incidentally) a very fair definition of "jurisdiction," viz., the "deciding whether impugned opinions or practices "conflict with *authoritative formularies* in such a sense as "to require correction or punishment."

The "authoritative formularies" and the "punishment" are both alike fixed by "jus." For instance, "Heresy" was defined by statute 1 Eliz. c. 1, sec. xx; Clerical Subscription by 13 Eliz. c. 12, and 28 and 29 Vic. c. 122. Ritual by 1 Eliz. c. 2, and so on.

The "function" of all judges, whether of diocesan, provincial or other courts is simply this, and nothing either more or less. Whether the judges are lay or clerical does not affect this point; both alike are to declare and apply—not *theology*, but "*jus*." An elementary and almost infantine proposition, but one apparently lost sight of by the Royal Commissioners.

## CHAPTER IV.

### THE REFORMATION SETTLEMENT.

IT is interesting to notice by what means the pre-Reformation Canon Law (which as we have seen was strictly Papal) was got rid of. The abolition of the Pope's Supremacy cut away the very root of the jurisdiction hitherto exercised in courts, which, like the laws they administered, were supposed to derive all their authority from "above," *i.e.*, from "the Apostolic See."

Fortunately the very same feudal theory which gave such strength to the Papacy proved also its weakness; for the King's enemies had thus but one neck.<sup>1</sup> Cardinal Pole said "on withdrawal of the obedience, the authority of "the ecclesiastical laws was simultaneously abrogated."<sup>2</sup> Fuller expresses the same thought in these words, "When

<sup>1</sup> Johnson in his *Canons*, II-469 says, "all constitutions, decretals "and decrees are made by *the authority of one man*, viz., diocesan "constitutions by the bishop, provincial constitutions by the Arch-bishop, decretals and decrees by the pope; so that the priests in the "diocese, the suffragan bishops in the province, the cardinals in the "conclave, were only applauders." Lyndwood lays it down that "the clergy are bound by their oath of obedience to obey such con- "stitutions as the bishop brings to the synod and publishes therein." (*Provinciale*, p. 70, col. 2, note R.) Bp. Christopher Wordsworth in his Visitation Addresses (p. 164), says, "the truth must be spoken how- "ever unpleasing it may be to men's ears. During sixteen hundred "years after Christ, a diocesan synod was called the synod of the "bishop. The canons and constitutions published therein were said "to be promulgated by the bishop."

<sup>2</sup> *Venetian State Papers*, VI-348.

“the Pope’s power was banished out of England, his canon law, with the numerous books and branches thereof, lost its authority in the king’s dominions.”<sup>3</sup> By royal decree the study of canon law was banished by Henry VIII from both universities and that of the old Roman imperial or “civil” law was substituted. Now the ruling principle of this latter code was that the Emperor had of Divine right the supreme jurisdiction inherent in his office even *quoad sacra*, i.e., the civil rights of clergymen and of churches. “The emperor fixed the faith of his subjects by reference to the standard orthodoxy of the Bishops of Rome and Alexandria. What an emperor did, a king who had ‘the dignity and royal estate of an imperial crown’ could ‘undo.’”<sup>4</sup> Under Henry, a new code of canons was proposed, and successive Royal Commissions were appointed to effect the necessary revision. Meantime, the bishops obtained the addition of a proviso under which the old canon law (with such modifications as the king’s judges might hold to be needful) would continue to retain the authority which it previously had, but NOT to receive any *Parliamentary* sanction unless and until “the king’s most royal assent under his great seal” be first had to the same.” (25 H. VIII, c. 19 § 2.) The result was that under the Tudors the ecclesiastical judges administered portions of the old canon law with trembling lips, not knowing at what point they might be tripped up by prohibitions, or subjected to the dreaded penalties of *praemunire*. But to enable even this enfeebled enforcement to obtain, it was necessary to devise a new basis instead of the abolished papacy. Professor Maitland hits this off in a few pregnant sentences. He says:—

“For more than three centuries past our spiritual courts have been required to administer, and have constantly administered, certain acts of Parliament.

<sup>3</sup> *Ch. Hist.*, p. 420.

<sup>4</sup> Maitland’s *Roman Canon Law*, p. 94.



“We too easily forget that this is the result, the not “unimportant result, of the Reformation. To Lyndwood, “the king’s ecclesiastical law’ would have been a contradiction in terms.”<sup>5</sup> “These acts of Parliament which “the ecclesiastical courts must now administer are “imposing upon them not merely new law but a theory “about the old law, and it is in substance just that theory “the truth of which is here in question. Henceforth “a statutory orthodoxy will compel all judges to say that “‘it was only by their own consent’ that the people of “this realm ever paid any regard to decretals or other “laws proceeding from ‘any foreign prince, potentate, or “prelate.’” (25 H. VIII, c. 21.) It is obvious that this theory was necessary to furnish a temporary basis on which the old canon law might still receive even a provisional, though *not a statutory* recognition.

Thenceforth it was on the ground of insular custom, as part of the civil common law (as distinguished from the *jus commune* of Western Canon law) that any of the old constitutions obtained any sort of recognition at the hands of the lay judges, who in despite of the canon law obtained a statutory jurisdiction in all the ecclesiastical courts of this island. The pre-Reformation precedents are based on and naturally reek with sacerdotalism. Archdeacon Ayton in the fourteenth century testified that “the only constitutions “that are enforced with any alacrity are those which bring “profit to episcopal purses.”<sup>6</sup> And accordingly “the “statutory Reformation of the English Church began “with an act aimed not at Rome but at Canterbury.” (23 H. VIII, c. 9.) Indeed, Henry cared more to subjugate his own clergy than to fight the Pope. He was at heart an ardent Papist and if he could have made terms, as his ancestors had done, with the reigning Pope, he would have preferred to have used their Pontiff as a convenient means of controlling and fleecing the “sacred order.”

<sup>5</sup> Maitland, p. 81.

<sup>6</sup> Maitland, p. 27.

When the rupture with Rome became inevitable, Henry's legislation was directed to the subordinating both canon law and clerical courts to the supremacy of the Crown, and in this Reform the two Convocations never took any willing part, but were reluctantly dragged at the heels of the "secular" Parliamentary Reformers: Mr. Joyce's fables to the contrary being refuted by a simple comparison of dates. Convocation has never since recovered its ancient position as a supreme legislature, but is happily reduced to its normal position of being an advisory board to the Monarch and to Parliament in ecclesiastical legislation.

The treatment which the Statute book received at the hands of the Commissioners is a striking proof of their hostility to the Reformation Settlement.

THE FOLLOWING IS A LIST OF STATUTES WHOSE TREATMENT BY THE COMMISSIONERS IS DISCUSSED IN THIS CHAPTER.

3 Richard II, st. 2, c. 5, p. 37.	37 Henry VIII, c. 17, p. 69.
2 Henry IV, c. 15, p. 38.	1 Ed. VI, c. 1, p. 71.
23 Henry VIII, c. 9, p. 39.	1 Ed. VI, c. 2, p. 72.
23 Henry VIII, c. 20, p. 40.	1 Ed. VI, c. 12, p. 73.
24 Henry VIII, c. 12, p. 43.	2 & 3 Ed. VI, c. 1, p. 73.
25 Henry VIII, c. 14, p. 64.	2 & 3 Ed. VI, c. 13, p. 55.
25 Henry VIII, c. 19, p. 51.	2 & 3 Ed. VI, c. 21, p. 75.
25 Henry VIII, c. 20, p. 66.	2 & 3 Ed. VI, c. 23, p. 55.
25 Henry VIII, c. 21, p. 66.	3 & 4 Ed. VI, c. 10, p. 75.
26 Henry VIII, c. 1, p. 67.	3 & 4 Ed. VI, c. 11, p. 76.
27 Henry VIII, c. 20, p. 55.	3 & 4 Ed. VI, c. 12, p. 75.
28 Henry VIII, c. 7, p. 67.	5 & 6 Ed. VI, c. 1, p. 77.
28 Henry VIII, c. 19 (Ireland), p. 34.	1 Eliz. c. 1, pp. 35, 82.
31 Henry VIII, c. 14, p. 68.	1 Eliz. c. 2, pp. 35, 55.
32 Henry VIII, c. 26, p. 68.	2 Eliz. c. 1 (Ireland), p. 35.
34 & 35 Henry VIII, c. 1, p. 69.	13 Eliz. c. 12, p. 86.
35 Henry VIII, c. 5, p. 69.	29 Car. II, c. 9, p. 55.

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The first assumption made in the Report is that the Reformation, so far as it concerns this inquiry, was

merely an anti-*Papal* movement, substituting the King for the Pope. But that left out of sight many pertinent facts. In the first place, the very "creation and modification" of Courts by "Statutes" implied and asserted the control of Parliament. It is not enough to say with the Report (p. xxxv) that 1 Eliz. c. 2 "recognized and confirmed the power of the Ordinary." It *conferred* upon the Ordinaries a new jurisdiction. "For their authority" they "shall have full power and authority by *this Act* to reform, correct, and punish by censures of the Church," &c., are the words of the Statute. Then, as now, the Legislature created the jurisdiction which the Crown exercised by its judges, whether "spiritual" or lay. The essence of "The Reformation," ecclesiastically speaking, lay in this, that it was an uprising of the laity (the "ecclesia" of Scripture) to claim for themselves a voice in Reforms, both doctrinal and disciplinary, the introduction of which was resisted by the clergy. In a Parliament consisting exclusively of churchmen, there was felt to be nothing unfit in legislating for the Church, which they virtually if not formally represented, although the Convocation claimed to "represent" not only the clergy, but "doctam Eccl. Angl. partem."<sup>7</sup> As legislators, Parliament alone (with the King) could either "create or modify ecclesiastical courts."

"The importance of the new measures," says Mr. Green,<sup>8</sup> "lay really in the action of Parliament. They were an explicit announcement that Church reform was now to be undertaken, not by the clergy, but by the People at large."

"The partie of the clergie," as King Henry called them,<sup>9</sup> were indignant at this discovery by the laity of their rightful position. The divorce of Katharine was far from commending itself to the people, yet the detestation of the clergy was so general (as the Spanish Ambassador

<sup>7</sup> Burnet, *Hist. Ref.*, I-ii-312.

<sup>8</sup> *Hist. Eng.*, II-148.

<sup>9</sup> Burnet, *Hist. Ref.*, III-ii-209.



repeatedly testifies—Report I-79, 81, 89, 90), that bill after bill passed into law, “to the great rejoicing of “lay people, and the great displeasure of spiritual “persons.”<sup>10</sup>

Nor is it correct to say that the King merely took over such powers as the Pope had acquired. On the contrary, the very first Act named in the Royal Commission (24 H. VIII, c. 12), was careful to specify not only “such cases where *heretofore* the King’s subjects have “used to pursue” to Rome, but “all *other* cases of “appeals.” (p. 215-ii.) So Elizabeth’s Supremacy Act claimed not only such jurisdictions as by any spiritual power “hath *heretofore* been,” but it immediately adds “or “may lawfully be.” (1 Eliz. c. i, sec. viii, p. 225-ii.)

But the Commissioners say that “THE STATEMENTS “OF THE SEVERAL STATUTES WHICH DECLARE ALL “AUTHORITY OF THE ORDINARIES TO BE DERIVED FROM “THE KING MUST BE TAKEN WITH SUCH LIMITATION AS “LEGAL HISTORY COMPELS US TO MAKE.” (p. xxxvi.) Surely such an extravagant claim was never before made. If this were a merely literary inquiry, we should feel that (as Professor Stubbs said) “there is a good deal of theory “about it.” But for persons who have received the Royal Command to report upon Courts<sup>11</sup> “as created or “modified by Statute,” to claim the right of substituting their theories of “Legal History” for “the language of “the Statutes” is surely an unprecedented piece of presumption. The change has been made under the pretext that they wish to make their recommendations “consistent with historical continuity.” (p. xvi.) But

<sup>10</sup> Green, *Hist. Eng.*, II-149, taken from Hall. Compare Froude, I-248.

<sup>11</sup> N.B.—To inquire into Courts “as modified” by a statute is not the same thing as to inquire into Courts which *had been* so modified: the former = the “Reformation Settlement,” the latter = Stubbs’ “legal history.” The Commissioners had substituted the latter for the subject named in their Commission.

they ignore the flaw in that "historical continuity"—the "fault" as geologists might call it—to preserve which, the very terms of the Royal Commission (as explained by Archbishop Tait and the Lord Chancellor of England when the Address to the Crown was voted in the House of Lords) purposely pledged the Government. To enable them to get "*behind*" the Reformation (as *The Church Times* expresses it) the Commissioners claim (p. xvi) that "the scope of their inquiry is found to include the "whole history." If so, why mention the "Reformation Statutes" at all? And why specify merely "*subsequent* Statutes"? Dr. Stubbs, it will be remembered, had shown the way by adroitly interpolating the words "or "otherwise recognized." (*Supra*, p. 5.) How completely "the language of the statutes" is at variance with Dr. "Stubb's Legal History" may be seen from the following table:—

DATE.	STATUTE.	LANGUAGE.
1532	24 Hen. VIII, c. 12	"The King at sundry <i>Parliaments</i> . . . "made laws for the conservation of the "pre-eminences of the Imperial Crown "of this realm and of the jurisdiction "spiritual of the same." "The know- "ledge of testamentary, &c., causes by "the goodness of the Princes of this "realm and by the laws and customs of "the same appertaineth to the spiritual "jurisdiction of this realm."

This language may be illustrated by the King's letter to Bishop Tunstal the previous year: "Some crimes *we* "remit by our sufferance to the judges of the clergy. . . . "Other crimes *we* leave to be ordered by our clergy, not "because we may not intermeddle with them," &c.: also, by his letter, just after the passing of this Statute, to the Primate, "to whose office it has been and is appertaining, "by the sufferance of us and our progenitors . . . to judge "and determine mere spiritual causes within this our

"realm, because ye be under us by God's calling and ours  
 "the most principal *minister* of OUR spiritual jurisdiction  
 "within this our realm."<sup>12</sup>

DATE.	STATUTE.	LANGUAGE
1534	25 Hen. VIII, c. 19	Canons made "frustrate and of none "effect" by Parliament, and a new Spiritual Court created by Statute.
1534	25 Hen. VIII, c. 21	"Your Grace's realm . . . is free from "subjection to any man's laws, but only "to such as have been devised . . . "within the realm . . . or to such other "as by sufferance of your Grace and "your progenitors, the people of this "your realm have taken at their free "liberty by their own consent . . . as to "the customed and ancient laws of this "realm, <i>originally</i> established as laws "of the same, by the said sufferance, "consent, and custom, and <i>none other-</i> " <i>wise.</i> "

This is well illustrated by Lord Hale's celebrated declaration.

"All the strength that either the Papal or Imperial" [*i.e.*, "civil"]  
 "laws have obtained in this kingdom, is only because they have been  
 "received and admitted." . . . "Their authority is founded merely on  
 "their being admitted and received by us, which *alone* gives them their  
 "authoritative essence, and qualifies their obligation."<sup>13</sup>

"Which laws," said Hooker,<sup>14</sup> "being made among us are not by  
 "any of us so taken or interpreted as if they did derive their force  
 "from power which the Prince doth communicate unto Parliament, or  
 "unto any other Court under him, but from power which the *whole*  
 "*body* of the Realm being *naturally* possessed with hath by free and  
 "deliberate assent derived unto him that ruleth over them."

<sup>12</sup> Wilkins, III-764. Collier, Vol. IX-103.

<sup>13</sup> Stephens' *Eccl. Stat.*,<sup>1</sup> Vol. I, p. 161; see also Lord Coke and  
 C. B. Comyns, as cited by Lord Penzance, Report, p. lxxv.

<sup>14</sup> *Eccl. Pol.*, B. VIII, pp. 412, 438, "we hold without any exception  
 "that all Courts are the King's," and *cf.* 443 Ed. Keble.



So little warrant is there for regarding the Reformation as an affair between the King and the Pope.

DATE.	STATUTE.	LANGUAGE.
1534	26 Hen. VIII, c. 1	"By authority of this present Parliament the King shall have and enjoy, annexed and united to the said Imperial Crown, all jurisdictions to the dignity of supreme Head of the same Church belonging; and visit, reform, order and amend all heresies which by <i>any</i> manner spiritual authority or jurisdiction ought <i>or may lawfully be</i> reformed, ordered," &c. <sup>15</sup>
1537	28 Hen. VIII, c. 19 (Ireland)	Repeats <i>verbatim</i> the language of 25 Hen. VIII, c. 21, above quoted.
1545	37 Hen. VIII, c. 17	"King hath 'full power and authority to correct heresies, and to execute all manner of jurisdiction, <i>commonly called</i> Ecclesiastical Jurisdiction.' (sec. 2.) Archbishops, Bishops, &c., have no manner of jurisdiction ecclesiastical but by, under, and from your Royal Majesty."
1547	1 Edw. VI, c. 1	Provides for communion in both kinds "by authority of Parliament, any ordinance or custom notwithstanding." The Bill was introduced into Parliament before Convocation consented (p. 143, and Wake 592), which it did only " <i>nemine contradicente</i> ." The Lower House "kept silence in hope of a possible reaction." (p. 142.) Five Bishops voted against it in the Lords. <sup>16</sup> Convocation was not consulted as to the "Order of Communion," which was

<sup>15</sup> The State Paper drawn up at the time to explain this Act says: "The King hath power to suppress all such extorted powers, as well of the Bishop of Rome *as of any other* WITHIN *this Realm*, whereby his subjects may be grieved."—*Froude*, II-219. (See below, p. 67.)

<sup>16</sup> Burnet, II-i-84.

DATE.	STATUTE.	LANGUAGE.
1547	1 Edw. VI, c. 2	drawn up by certain Bishops and learned men whom "the King's Majesty had caused to assemble." (Foxe, v-719.) after the Act passed, and was issued by Royal Proclamation, March, 1548. "All authority of jurisdiction, spiritual and temporal, is derived and deducted from the King's Majesty . . . and that all Courts Ecclesiastical within the said two realms be kept by no other power or authority, <i>either foreign or within the realm</i> , but by the authority of His Most Excellent Majesty." <sup>17</sup> Upon this Act, <i>see</i> below, p. 72.
1558	1 Eliz. c. 1	"By the authority of Parliament such jurisdictions spiritual as by <i>any</i> spiritual authority hath heretofore been, <i>or may lawfully be</i> , for correction of errors, heresies, and schisms, shall be united and annexed to the Crown." Section 20 (now repealed) defined by authority of Parliament both what might and what should not be "heresy"; no consent of Convocation, or of the spiritual Peers was given to this definition.
1559	1 Eliz. c. 2	Section 4 confers upon Archbishops and Bishops "full power and authority by this Act to reform, correct and punish by censures of the Church," any other provision heretofore suffered to the contrary notwithstanding." The Act being described as that of the "Lords Temporal and the Commons" <i>only</i> .
1560	2 Eliz. c. 1 (Ireland)	Repeats language of 1 Eliz. c. 1, but <i>omits</i> the "assent of the Clergie" as a condition of any <i>future</i> Parliamentary definition of "heresy." (Section 17.)

<sup>17</sup> Abp. Bancroft, "in the name of the whole clergy," in 1605, submitted to the Lords of the Privy Council that "both the ecclesiastical and temporal jurisdictions be now united in his Majesty; which were heretofore *de facto* though not *de jure* derived from

By the Elizabethan Statutes an oath was imposed upon every clergyman "to assist and defend all jurisdictions—" *granted or belonging—or united and annexed to* "the Crown. This oath continued to be taken down to the Revolution of 1688. Jurisdiction was and is conferred upon each Diocesan *before* his consecration, either by Letters Patent from the Crown, as in Ireland (before disestablishment), or at his Confirmation by the Royal Commissioners. Abp. Parker's confirmation was in these words, "we confirm the election of the venerable man, "Mr. Matt. Parker, by the supreme authority of the said "most serene lady our Queen committed unto us in that "behalf."<sup>18</sup>

The "Reformatio Legum" which the Commissioners quote with respect, p. xxxii (having been drafted by Cranmer, and being the sole outcome of three Statutory Commissions, though never enacted), lays down the doctrine that "omnis jurisdictio<sup>19</sup> et ecclesiastica et "secularis ab eo tanquam ex uno et eodem fonte deriv-  
"antur." Richard Cosin, Dean of the Arches, A.D. 1589, published tables showing the "Ecclesiastical Govern-  
"ment," in which under "Potestas Regia" he reckons "Jurisdictiones<sup>20</sup> quaslibet concernentes jurisdictionem  
"ecclesiasticam."

Sir John Lambe, Dean of the Arches in A.D. 1636, is cited in the appendix to the Report, p. 190, saying "The  
"King is the Supreme Governor, from whom the execu-  
"tion of all Ecclesiastical Jurisdiction is *derived unto*

"several heads," and that "the laws ecclesiastical which we put in  
"execution" are "the King's *and the realm's* ecclesiastical laws, as  
"well as the temporal laws." (Cardwell's *Doc. Annals*, No. ccxxiii,  
Wilkins, IV-417.)

<sup>18</sup> Abp. Parker's *Register*, p. 9b.

<sup>19</sup> "All jurisdictions, both ecclesiastical and secular, from him (the  
"King), as from one and the same fountain are derived."

<sup>20</sup> "Jurisdictions of every kind concerning ecclesiastical jurisdic-  
"tion."—*Table XI*, Wekett's Edition, 1729.



“Archbishops and Bishops.” It appears from the evidence of Sir John Gell, that Manx appeals went *direct* to the Crown at the same date. (Vol. II, p. 333-i.) The Acts 53 Geo. III, c. 155, § 51, and 3 and 4 Wm. IV, c. 85, § 92 and 93, provide that a bishop in India shall not “have or use” any jurisdiction but such as shall be “limited to him by His Majesty’s Letters Patent,” viz., “such ecclesiastical jurisdiction as His Majesty shall “think necessary for the superintendence and good govern-  
“ment of the ministers of the united Church of England  
“and Ireland therein.”

Such is the “language of the Statutes,” and the interpretation which they received *at the time* from the *Ecclesiastical* and other Judges.

Let us now see the methods adopted by the Commissioners for “limiting” this language by their theory of “legal history.”

### 5 Rich. II, st. 2, c. 5.

(A.D. 1382.)

This, is given (p. 53) as the earliest Statute against “Heresy,” *i.e.*, Lollardy. Its “legal history” is most instructive. It had been smuggled through the Upper House in May, and fraudulently entered on the Rolls of Parliament. But in October of the same year the “Com-  
“mons petitioned for the annulling of the Act as passed  
“without their consent. But this had no effect,” says Dr. Stubbs. (p. 53.) Yet the same authority had told us that it “was *repealed* in the same year,”<sup>21</sup> the Commons protesting that it was never their intent to “bind them-  
“selves more to the Prelates than their ancestors had  
“done;”<sup>22</sup> and this was so far from “having no effect,”

<sup>21</sup> Stubbs’ *Constitutional History*, Vol. II, 470.

<sup>22</sup> Burnet, II-ii-50. Foxe *Act and Mon.*, iii-37, 808. Cotton’s *Abridgment*, p. 285. Parry’s *Parliaments and Councils of England* (Murray, 1839), p. 147. Burrows’ *Wyclif*, 116.

that the same authority tells us "all attempts at further "persecution ended for the time. The Clergy had to "content themselves with the old process of the Spiritual "Courts."<sup>23</sup> (See Professor Burrows' *Wiclif's Place in History*, p. 111, note.) Dr. Stubbs' apology for these "burning" Statutes against "the way which they call "heresy," may be seen in Q. 1142, and is supported by Dr. Phillimore in Qq. 1902, 1955, Rev. B. Compton (Q. 2702), where it may be seen to what lengths a passion for "historical continuity" may carry even a Professor of History. Compare Canon Jenkins. (Q. 2871.)

## 2 Hen. IV, c. 15.

(A.D. 1400. "*De hæretico comburendo.*" Report, Vol. II-47.)

The next "burning" act was forced through Parliament by the clergy during the weakness of the reign of a Usurper. In the Parliament Rolls it is entitled "Petitio "Cleri contra Hæreticos."<sup>24</sup> The assent only mentions the petition by Bishops and clergy. The Act begins "Item cum domino regi, et ex parte prælatorum et cleri "regni sui Angliæ in præsentī Parlamento sit ostensum," &c.<sup>25</sup> The clause "ac etiam communitates dicti regni,"<sup>26</sup> was added by the priests.<sup>27</sup>

For the interesting circumstances which accompanied the revival of this statute by the murderous statute, 1 & 2 Philip and Mary, c. 6, see Coke's *Institutes*, IV-17; Strype, *Eccl. Mem.*, III-155, 166.

<sup>23</sup> Stubbs' *C. History*, III-356.

<sup>24</sup> "The Petition of the Clergy against the Heretics."

<sup>25</sup> "Item, since it hath been shown to our Lord the King on the "part of the prelates and clergy of his Kingdom of England," &c.

<sup>26</sup> "And also the Commons of the said Kingdom."—See Cotton's *Abridgment*, p. 409. Strype, *Eccl. Mem.*, III-ii-129. Foxe, iii-400.

<sup>27</sup> The Bishop was not required to sit "in person" under this Heresy Act, nor under 2 H. V, c. 7. See Foxe, iii-317.

### 23 Hen. VIII, c. 9.

(March 20, 1532. "*Statute of Citations*," p. 209.)

This measure, which emanated from the Commons and was opposed by the Bishops in Parliament (*Hist. App.*, I-33-ii), was a striking instance of Parliament's interference to change and destroy the jurisdiction of the Archbishop's Court, and the procedure of the Diocesan Court, in spite of clerical opposition. Yet the Commissioners fail to note the relevance of these particulars to their Inquiry (p. xxviii), although Lord Penzance pointed out that "a graver or more distinct interference with the "Archbishop's original jurisdiction could hardly be conceived." (p. lxiv.)

Neither Dr. Stubbs, nor the Commissioners, notice that this Statute gave to aggrieved parishioners remedies in the temporal Courts against the Ordinary and against any and every Ecclesiastical Judge in the shape of "double damages and costs." (sec. iii.)

Dr. W. Phillimore, in Q. 1933, completely misrepresented the "language of the statute," which is printed in the Report, p. 209.<sup>28</sup> The Act speaks of "the Arches, "Audience, and other high Courts of the Archbishops," and provides penalties against the "*Immediate Ordinary*," the "*Commissary, Official*," or other "*Judge*," without the slightest reference to Convocation. Yet the learned canonist declared that it related to the Archbishop (not as sitting in Court, but "in his Synod." Whereas Mr. Valpy had justly insisted on the fact that the "reservation of the Archbishop's jurisdiction, without "reference to Convocation, would seem to show that no

<sup>28</sup> The same authority having wrongfully stated (Q. 1232), that "the "Common Law Judges were never referred to" in Whiston's case, though their formal answers to the Crown are on record (Brod. and Fremantle, p. 322), substituted the more accurate statement that he "forgot." (Q. 1953.) Compare Q. 1965.



“such jurisdiction had been vested in that body.” (Report, Vol. II, p. 298, ii.)

A very interesting point was raised by Mr. Blakesley and by Mr. Valpy, viz., whether under this statute the Archbishop may not *now* act when the Bishop refuses; the powers of 23 H. VIII, c. 9, being expressly reserved under the 19th section of (3 and 4 Vic. c. 86) the “Church Discipline Act,” 1840. The Commissioners quietly ignored the point; but when Mr. Jeune at the fifty-eighth meeting moved:—

“That the reservation of jurisdiction to the Court of the Province in case of a Bishop refusing to allow a prosecution, contained in the 19th section of the Church Discipline Act, 1840, *should be continued*.  
“The motion not being seconded, *Dropped*.”

Perhaps few readers will have noted the importance of this Minute. “Historical continuity” found no advocates when it gave an appeal from the individual caprice of a Diocesan. Yet the principle of an appeal from the Bishop’s veto was sanctioned by this ancient Statute as being more ancient than itself.

### 23 Hen. VIII, c. 20.

(A.D. March 19, 1532. *Payment of Annates. Report*, p. 210, and *Appendix*, 89-i.)

It is difficult to conjecture why this Act, which does not in any way relate to the “Courts,” was printed by the Commissioners, especially since they have thought it right to suppress so many relevant Acts. They fail to notice that this Statute—

- 1st. Provides penalties against Ordinaries.
- 2nd. Orders the consecration and installation of Bishops.
- 3rd. Orders clergy to administer sacraments, &c., “without any scruple of conscience.”
- 4th. Forbids prelates to “execute” Papal censures or excommunications.

And all this, of course "by authority of Parliament" alone. Mr. Dibdin (Q. 7438) said that it was passed "at the request of Convocation." But the evidence shows that the Bishops all voted against it, and opposed it in Parliament. (Compare p. 33-i; 34-ii; 89-i.)

In *The Fortnightly Review* for August, 1898, Canon MacColl asserted that—

"In the year 1531 the clergy in Convocation petitioned the King to 'abolish the exorbitant pecuniary contributions which the Pope exacted. . . This petition from Convocation is the corner-stone of 'the Reformation on which the subsequent legislation of Henry VIII 'is based.'"

Unfortunately for this theory, there is not a word of truth in the allegation of "facts." In *The Church Intelligencer* for November, 1895, the so-called "petition" is printed in full, with notes showing Strype's errors of transcription, and the spurious additions which form the sole basis of this clerical house of cards. The original document is still extant: Mr. Gairdner of the Record Office describes it in his *Calendar of State Papers* as emanating from Parliament, not from Convocation; in the catalogue of the *Cotton Collection* it is simply called "a paper against the payment of Annates to Rome," and the paper itself is headed simply "Capita rerum" (heads of things). It is an unfinished draft signed by nobody and was probably the first sketch of a bill prepared by Cromwell for the Government measure which subsequently became the first Act against Annates, viz., 23 H. VIII, c. 20.

Some two hundred years later Strype found this document, and not knowing what to make of it, placed over it the conjectural heading "An address from the Convocation 'to the King, for an act to take away Annates.'" But, for this, he had no warrant, and he overlooked the internal evidence of the wording itself which refers to an "Act of 'THIS his Grace's High Court of Parliament.'" Had

Strype possessed a tithe of the evidence now available he could not have perpetrated this blunder. Dr. Maitland observed long ago, that Strype, though invaluable as an annalist, is worthless as a critic. But Strype did not suppress, as certain "historians" habitually do, the contemporary testimony of the French, Venetian, and Spanish ambassadors, each writing separately and confidentially to his own "Catholic" Court, and being in immediate touch at the moment with the discontented heads of the English clergy.

The Church legislation of "the great Reforming Parliament" of Henry sprang for the most part from the King and his political advisers. Nor was the question of Annates any exception. A comparison of dates shows this. The Bill was introduced into the Lords during the third week of February, 1532, for Chapuys wrote to the Emperor on February 28: "Since writing last (February 14) the King has proposed to Parliament to 'reduce the Annates paid to the Pope.'" Up to that time no Bill directed against the Pope had been brought forward, but on February 24 Archbishop Warham (though ill at home) lodged his formal written protest against any statute "*In derogation of the Supreme Pontiff, or of the See Apostolic.*"<sup>29</sup> This collation of dates suggests the relation of cause and effect, because the remaining anti-Papal legislation was not brought in until after the passing of the Annates Bill, and after the subsequent adjournment of Parliament. The act 23 H. VIII, c. 9 was *not* directed against the Pope. It was in spite of this protest of the Primate that the Bill passed, and Chapuys, in reporting what had happened, added, "*the prelates would not consent.*" The King sent to tell the Nuncio that these "measures were not taken by his consent, but were moved 'by the Commoners.'"<sup>30</sup>

<sup>29</sup> Burnet, III-ii-48.

<sup>30</sup> Gayangos' *Letters, &c., from Simancas*, Vol. iv, p. 390.



The Bill passed on March 20, and M. de la Pomeroy wrote on March 23, 1532, to Cardinal Tournon, "The clergy in Convocation have consented to nothing, nor will they, till they know the pleasure of their master the Holy Father : but the other estates being agreed, the refusal of the clergy is treated as of no consequence."<sup>81</sup>

The Act, as is well known, was at once a threat, and a bribe to the Pope, to procure his sanction for the iniquitous divorce of Queen Katharine. Hence the King obtained from Parliament the curious provision of an interval of eighteen months during which he might annul or give effect to the Statute (as seemed best adapted to suborn the Pope). He did not, in fact, issue his Letters Patent until July 9, 1533, and on July 13, 1533, was passed the 25 H. VIII, c. 20 described below, p. 66. Even *after* the passing of the 24 H. VIII, c. 12, so late as April 15, 1533, he offered to "revoke all," if the Pope would come to terms. (*Report*, p. 99.) But to prevent the appeal of Queen Katharine to the Pope, he procured the passing of

## 24 Hen. VIII, c. 12.

(*April 7, 1533, For the restraint of Appeals.*)

Having got the Canterbury Convocation to assent to the principle of the divorce on April 5, thereupon the Bill passed, and Parliament was immediately adjourned, April 7, 1533. It would seem that Henry had contemplated making his servile Convocations to serve as a "Spiritual Court" for the purpose of his divorce. His confidence was not misplaced, for the two Convocations did, in fact, solemnly sanction with all the prestige of "holy Church" three successive adulteries of their crowned "head." The Act of repeal, 1 Mar. Sess. 2, c. 1, had no sanction from Convocation, and "all reference to

<sup>81</sup> Froude, I-354. Gairdner, *S. P. Henry VIII*, V-71.

“the Papal dispensation was dexterously avoided.”<sup>32</sup> Strange to say, there are English Churchmen who point with pride to these disgraceful antecedents in proof that Convocation was a Court of Appeal. This was gravely asserted by Canon Trevor (Vol. II, 378), and the Hon. C. L. Wood (Vol. II, p. 29-i). But Dr. Stubbs preferred to follow the “Memorial”<sup>33</sup> before referred to when he said (Vol. I, p. 39-i) that none of these were “in course of law.” The Commissioners (of course) follow his lead, pp. xxix, xxxvii: and he is no doubt quite right when he says “this jurisdiction” (viz., that created by 24 H. VIII, c. 12, § 4) “does not appear to “have been ever exercised;” but he overlooked one proof of the fact, viz., that these *quasi* “Courts” sat as Courts of first instance, and *not* on appeal, which alone the Act would have sanctioned. The “legal history” being full of shame to the English clergy, it might seem strange that this Act should be dwelt upon so fondly by priest-partisans. They call it the “Great Statute of Appeals.” Mr. Gladstone revels in its preamble<sup>34</sup>: the Commissioners (following Stubbs, p. 39) plead that it “is still in force.” They forbear to allude to the fact mentioned in the opening of this paper, that every Judge in every one of the Superior Courts concurred in ruling that this Statute (so far as it related to appellate jurisdiction) was “in effect repealed:” indeed the Commissioners themselves (in the very same page, xxix, line 13, and in page xxxvii, line 30) admit that it was “superseded” as to sections 3 and 4 by the 25 H. VIII, c. 19, passed within a twelvemonth after by the *same* Parliament. The “stammering lips” with which they hesitate between “the language of the

<sup>32</sup> Lingard, V-199, compare Stephens' *Notes on the Common Prayer*, p. 1591.

<sup>33</sup> P. 13, n.

<sup>34</sup> *Roy. Suprem.*, p. 32.

“statutes” and their theoretical “history” find speech in the following choice sentence :—

“It is to be observed finally that this Act is *not* repealed by the “statute 25 H. VIII, c. 19; that in all the later repeals and “revivals it is repealed and revived as co-ordinate with that Act; “that it is expressly referred to in that Act as valid; and therefore in “all points in which it is not implicitly *repealed thereby* it is still in “force.”

This is surely a puzzling sentence which assumes that the Act is not, and yet implicitly is, repealed by another Act, somehow.

The explanation is simple enough. If we turn to the Acts themselves in the Appendix, pp. 213, 217, it will there be seen that the former Act (24 H. VIII, c. 12) merely dealt with three classes of “causes:” but the later Act (25 H. VIII, c. 19) directed “all manner of appeales “of what nature or condicion<sup>35</sup> soever they be of, or what “cause or matter soever they concerne,” to “be made . . . “as is limited for appeals . . . in causes of matrimony, “tithes, and oblations,” by 24 H. VIII, c. 12. Now, whatever else may be doubtful, one thing is certain, that the Legislature would not have troubled itself to pass a second Act to transfer other appeals, “any usage, custom “or prescription to the contrary notwithstanding,” if it were known (as Dr. Stubbs contends, p. 311) that the *only* appeals to Rome were those which had been *already* withdrawn by the *same* Parliament twelve months before. What could be the point of comparison “after *such* “manner, form, and condicion,” if no *separate* classes of cases were referred to? Yet this hopelessly-unreasonable theory is the very heart of the Commissioners’ “Legal “History.” They must have forgotten that between the passing of the two Acts the breach with the Pope had widened, and, what is of more consequence, that AFTER the passing of 24 H. VIII, c. 12, viz. (March 5, 1534)

<sup>35</sup> On the word “condicion” see Judgment of the Court of Common Pleas, in Stephens’ *Notes on Common Prayer*, p. 1401-i.



"The Commons desired Reformation," . . . complaining to the King of their treatment in the Spiritual Courts, the "calling them to Courts *ex officio*, and not knowing their "accusers, causing them to *abjure* or else to *burn* them "for pure malice," . . . and of the clergy being "judges and parties in their own cause," p. 103-ii.<sup>36</sup> Now "abjuring" and "burning" clearly related to heresy. Compare p. 87-ii. So early as 1532 the Spanish Ambassador complains that

"The King also wishes Bishops not to have power to lay hands on "persons accused of heresy, saying that it is not their duty to meddle "with bodies, and that they are only doctors of the soul. . . . The "Bishops oppose him." (p. 93-i.)

At the opening of this Parliament in January, 1534, according to the statement of the Ambassador, the King took pains to pack the house. (p. 101-i.) On March 27 the Bill of 25 H. VIII, c. 19, had passed the Commons (pp. 104-ii and 34-i), and on March 30 it received the Royal assent, and the same day Parliament was prorogued. (p. 34-i.) Now, the Spanish Ambassador on that very day mentions that "the King has got the Parliament to "pass an Act that no Bishop or other clergyman shall act "as a Judge in a case of *heresy*, but only those who shall "be *deputed on his part*," *i.e.*, Delegates; and the Commissioners themselves point out that 25 H. VIII, c. 14 (the only other Act to which this might have been supposed to relate), "still left to the Ecclesiastical Judge" his ancient jurisdiction in heresy. (p. xxxii.) (*See below*, p. 64.)

It is clear that the three classes of causes named in 24 H. VIII, c. 12, *viz.*, tithes, divorce, and money payments to the clergy, were all, to use modern language, "temporal." They were so described in the Queen's Bench judgment cited by Mr. Valpy,<sup>37</sup> and have been transferred, as such, long ago, to the "Temporal" Courts: yet these,

<sup>36</sup> Compare Latimer's appeal that "secular persons of the Council "should be present at his trial" for heresy, p. 85, col. i.

<sup>37</sup> *Report*, Vol. II, p. 300, col. ii.

in the jargon of the day, were then called "causes of the law divine and of spiritual learning." The 24 H. VIII, c. 12—

"Still allowed an appeal to the Pope in all spiritual suits" [*i.e.*, in the *modern* sense of the word "spiritual"], "and it was framed upon the principle that, while all temporal matters which were discussed in the Ecclesiastical Courts should be finally determined by Courts sitting within the realm, the spiritual jurisdiction which belonged to the Pope as supreme head of the Western Church should remain unaffected. Accordingly this statute is confined to causes about wills, to causes about matrimony and divorce, and to causes about tithes and oblations."<sup>38</sup>

Sir Fitzroy Kelly, who represented the Bishop of Exeter in that case, admitted the truth of this, saying, "No doubt every *other* description of causes in the Court Spiritual might have still gone to Rome."<sup>39</sup> Dr. Phillimore (Q. 1211), and Dr. Stubbs (Q. 1161), admit that these three classes of suits (which would now be called "temporal," were specifically THE classes contemplated by the term "causes of the law divine and of spiritual learning," of which, according to the preamble of 24 H. VIII, c. 12, none but a "spiritual" person might "judge." But then, what is that Preamble worth? A preamble is binding upon nobody even when hot from the legislative mint; it contains only such a statement of motives and reasons as it suits the legislators to assign for the enactments which follow it. Dr. Stubbs brushes away the Preambles of contemporary Acts as "the false Preambles of Henry's statutes" (p. 37); but this one, because it speaks in glowing language of the spirituality,<sup>40</sup> must be claimed as "still in force." (p. xxix.)

<sup>38</sup> Lord Campbell, in Queen's Bench Judgment, *Gorham v. Bishop of Exeter*. It will be noticed that, not being a Canonist, Lord Campbell "deviated into common sense" in his use of the words "spiritual" and "temporal."

<sup>39</sup> Stephens' *Notes on Common Prayer*, p. 1390.

<sup>40</sup> The Attorney-General in the Court of Exchequer remarked upon the altered tone of the later statute (25 H. VIII, c. 19), that "the Preambles of the two Acts *contrast* strangely."—Stephens' *Notes on Common Prayer*, p. 1410.

It may enable us to estimate the value of the mutual flatteries of King Henry and his clergy to place side by side a sample of each:—

A.D. 1531. <i>Address of</i> "Sacred Provincial "Synod" to the King.	A.D. 1533. <i>Preamble</i> of 24th H. VIII, c. 12.	A.D. 1532. <i>April</i> (i.e., same month as last). King Henry to Abp. of Canterbury.	A.D. 1540. <i>On Third</i> Divorce being sanc- tioned by Convoca- tion.
"Ecclesiam <sup>41</sup> studio- "sissimo calamo de- "fendit et æternam "gloriam inde pro- "meruit, atque ad "cœlos viam aperuit, "et ingressum sibi pa- "tefecit . . . ecclesiæ "et cleri Anglicani "singularem protec- "torem," &c. — <i>Re- port</i> , p. 70.	"English Church "hath always been "reputed and also "found for know- "ledge, integrity, and "sufficiency of num- "bers sufficient and "meet of itself" (i.e., without Pope), to de- termine "Spiritual" Causes. <sup>42</sup>	"Great blame has "been arrected to the "clergy, especially "the heads, because "they have not "hitherto studied "and travelled for to "put out of doubt . . "to set some direc- "tion in the said "cause of matri- "mony," &c.— <i>Col- lier</i> IX-103.	"Viros esse plurimos "tam graves, litera- "tos, honestos, ac "pios, quam uspiam "locorum alibi re- "periri possent." <sup>43</sup> — <i>Rebort</i> , I-124-ii.

Yet the admirable merits of the clergy did not blind either the King or the Parliament, in 1533, to the fact (mentioned above p. 32) that the "knowledge whereof" (i.e., of the three causes mentioned in the Act), "by the goodness of Princes  
"of this Realm, and by the laws and customs of the same,  
"appertaineth to the spiritual jurisdiction of this Realm."  
This formally excluded all idea of an independent juris-

<sup>41</sup> "He defends the Church with his most diligent pen, and thence  
"hath thoroughly merited eternal glory, and opened a way to heaven,  
"and made wide the entrance for himself . . . the singular protector  
"of the English Church and clergy." Bp. Gardiner's flattery was  
yet more gross. He said, "the King's Majesty hath, by the inspira-  
"tion of the Holy Ghost, composed all matters of religion." But  
this was after Gardiner had triumphed over Cranmer by supplanting  
his *Institution of any Christian Man* by the reactionary *King's*  
*Book*. See Lamb's *Letters in C.C.C. Library*, Cambridge, p. 45.

<sup>42</sup> The toning down of the Preamble of 24 H. VIII, c. 12, as  
originally drafted by Henry VIII (see Vol. I, p. 213) is another  
indication of his desire to conciliate the clergy prior to his Divorce.

<sup>43</sup> "Men, very many, as grave, lettered, honest, and pious as could  
"in any place elsewhere be found."



diction. If the preamble of 24 H. VIII, c. 12, is good for anything, it proves that "spiritual jurisdiction" was lodged in the clergy solely by "Princes and laws of the realm." Even the account of the "realm" or "kingdom" as an "empire" and as a "body politic," of which the "spirituality" was a "part," the jurisdiction used by them being that of the "Realm," and in virtue of their being part of that body politic, viz. (not the Church, but) the "Realm," really proves the same thing, though careless readers might fancy the "Church" there a *separate* body from the State. "Church" in that statute means not the ecclesia (which was then co-terminous with the State), but the clergy, as "part of the body politic." (*See* p. 164, col. ii.) The clergy are there considered not as the officers of a *separate* corporation, but as constituent members and ministers of the King's "Realm." As such, alone, had they anything to do with "jurisdiction." Mr. John Walter Lea, Provost of the Guild of S. Alban, said, "It is true that the clergy, otherwise called 'the spirituality' were, in popular parlance, called 'The English Church,' as in the preamble of the Statute of Appeals is witnessed to and exemplified (I may add in the '*submissio c'eri*' and 'the Act of Submission' also). Untold confusion has arisen from the common mistake of taking the 'spirituality' and 'temporality' of that preamble as the equivalent of the Church and State, and trying to force the preamble itself into a statutory declaration of the mutual relations subsisting between them. It is nothing of the kind. 'The Church' truly, and alone truly so-called, is not once mentioned or alluded to in the preamble (nor, for that matter, in the *Submissio*, or in the Act of Submission). It treats only of the respective constitutional functions of the two great estates of the realm, for the purpose in hand, amalgamating the Temporal Lords and the Commons in one class as 'the Temporality.'"<sup>44</sup>

<sup>44</sup> *Church Times*, September 9, 1887.

To sum up, therefore, as to 24 H. VIII, c. 12. The Preamble never had the force of an Enactment; Canon Stubbs admits (Q. 1165) that it is unreasonable to "read" it into subsequent Acts of Parliament; its recognition of the clergy as constituting "the Church" has been disallowed by "subsequent Acts;" it recognizes that "spiritual jurisdiction" belongs to the "realm," and is due to "Princes and laws of realm" even when exercised exclusively by clergymen: and it provides by authority of Parliament that every Priest who refuses to administer sacraments, &c., on account of excommunications, &c., shall be imprisoned. (*Report*, p. 215.) So much for the Preamble.

Sections 2 and 3 cut off appeals to Rome in the three *quasi*-"spiritual" causes named, but provide that not only customary but "*all other*" appeals in those causes should lie to the Archbishops' Courts. This portion of the Act still stands, and is the basis of the comparison made in 25 H. VIII, c. 19, as a standard for all *other* "spiritual" causes."

But the fourth section is "in effect repealed." It forbade any appeal from the Arches; whereas the 25 H. VIII, c. 19, gave an appeal from the Arches to the Crown. It also gave an appeal to the *Upper* House (only), of *one* Convocation (only), from the Archbishops' Courts, in suits relating to the King. That provision, however, was never once acted upon: it was made to serve the King's lust, and he found a shorter cut to his end, viz., by a trial in the Archbishop's own Court. As Dr. Stubbs says, "It does not appear to have ever been "exercised;" the action of Convocation in the three Divorces being, as the Commissioners report, p. xxix, "not in course of law," though technically, of course, all of them "Spiritual" Acts.

"The Great Statute of Appeals" (so-called) was only of permanent importance because it served as a basis for

## 25 Hen. VIII, c. 19,

*Passed March 30, 1534.**("The Submission of the Clergy, and Restraint of Appeals.")*

The statement of the Commissioners that "in all the "later repeals and revivals, 24 H. VIII, c. 12 is repealed "and revived as co-ordinate with that Act," and "is "expressly referred to in that Act as valid" (p. xxix), is only true in the very limited sense that its *procedure* was adopted and extended by the latter Act, by which, as regards appeals, it was superseded. "*All*" appeals were, after Easter, 1534, to be "after *such* manner . . . as is limited" in 24 H. VIII, c. 12, for the three appeals there specified: and the latter were to be no longer finally decided in the Court of the Archbishop, but (by Section 4) might thenceforth go, like the rest, to the Crown. The reason of this was because, though tithes and oblations had been specially dealt with in April, 1533, by 24 H. VIII, c. 12, the Commons still complained (March, 1534) of the Clergy as "taking tithes and offerings *contrary to justice*, "and being judges and parties in their own cause."

There was thenceforth to be no limit either as to the nature of the cause appealed in, or as to the qualification of the Judges. The latter were simply required to be the King's "Delegates" in Chancery. This is expressly admitted by the Commissioners. (p. xli.) The Act 25 H. VIII, c. 19, consists of two parts which have a separate history. The first three sections relate to the *Laws* of the Ecclesiastical Courts; the fourth, fifth, and sixth, to Appeals; while the final proviso, we learn, was added by the House of Lords.

The first part was founded upon the Submission of the Clergy, which the King forced upon Convocation in words delivered to them by Bp. Fox and formulated by Henry himself.<sup>45</sup> (p. 92-i.) It provided that no canons should in future be made without the King's assent beforehand and

<sup>45</sup> Wilkins' *Concilia*, III-749, 753.



his ratification afterwards. Next, that since the existing "constitutions provincial" were "overmuch onerous to the King's subjects," they should be weeded by a Commission half-lay in composition; finally that the King's assent must be given to the residue. This latter provision was strengthened in the Act by the words "so that the King's most Royal assent *under his Great Seal* be first "had to the same." No such assent under the Great Seal was ever given. "One direct result of the measure "was that the study of Canon law almost immediately "fell into desuetude, and the Universities were forbidden "to confer degrees in that faculty." (Report, p. xxvii.) "In one point, the employment of lay Judges, the Canon "law was distinctly repealed" (Report, p. xxxii); and this repeal is expressly attributed by 37 H. VIII, c. 17, to this very statute of 25 H. VIII, c. 19. The only legal vitality preserved to the old Canon law was by the final proviso that such of the then existing canons as were not obnoxious "shall now be still used and executed AS THEY "WERE AFORE THE MAKING of this Act till such time as "they be viewed," &c., by the aforesaid Commission. Here two things must be noted. First, the Canon law had never possessed any authority of *Parliament* "before "the making of this Act," consequently it had no *such* authority after it, by the Act. "If this authority had been "executed, the system would have derived its binding "force from the grantors" said Lord Hardwicke in *Middleton v. Crofts*.<sup>46</sup> Whereas the later statute 35 H. VIII, c. 16, sec. 2, speaks of the canons as being only "put in "use and execution *for the time*." Bp. Burnet says "since "there was no day prefixed to the determination of the "Commission, this proviso made that the act never took "effect: for now it lay in the prerogative, and in the judge's "breast, to declare what canons were contrary to the laws, "or the rights of the crown; and it was judged more for the "king's greatness to keep the matter undetermined, than to

<sup>46</sup> Stephens' *Laws of the Clergy*, p. 696.

“make such a collection of ecclesiastical laws as should be fixed and unmovable.”<sup>47</sup>

Second, that “*till* such time as they be viewed” is not equivalent to “in default of such review;” therefore this revision of the canons having become impossible by the death of Henry, the clauses which were to operate only *until* that event, became a dead letter. As in the law of real property, “if an estate be limited to a man and his heirs, *until* (A) shall attain the age of twenty-one, the estate will determine if (A) should die under that age.”<sup>48</sup> As Lord Denman observed in the Queen’s Bench judgment in Bishop Hampden’s case, “the Canon law is not part of the law of England, unless it is made so by authority of Parliament here, or by ancient and uninterrupted use and acknowledgment. The burden of proving that a particular part of that law is the law of England *rests with those who assert it to be so.*”<sup>49</sup>

Lord Abinger in *Q. v. Millis* laid it down that “that part only of Canon Law can be held to be the Ecclesiastical law of England which has been adopted by Parliament, or the Courts of this country.”<sup>50</sup> To the same purport spoke Lord Cottenham;<sup>51</sup> and Chief Justice Tindal quotes Coke and Hale to the like effect.<sup>52</sup>

“The civil and canon laws, considered with respect to any intrinsic obligation, have no force or authority in

<sup>47</sup> *Hist. Ref.*, I-300.

<sup>48</sup> *Preston on Estates*, p. 55. Cited by Mr. B. Shaw in *Contemporary Review*, Vol. I, p. 19. The argument is stated at length by Dr. A. J. Stephens in the *Second Report of the Ritual Commission*, p. 342.

<sup>49</sup> *Case of Dr. Hampden*, p. 211 (Bell and Daldy). In *Burgess v. Burgess* Sir W. Scott spoke of a canon of Abp. Peckham as “one of those older canons, which perhaps can hardly be considered as carrying with them all their first authority.” (1 Haggard’s *Consistory Reports*, p. 393.)

<sup>50</sup> 10 *Clarke and Finelly*, 178.

<sup>51</sup> *Ibid.*, 876.

<sup>52</sup> *Ibid.*, 534. See also Sir John Davies’ *Irish Reports*, p. 69.

“this kingdom: they are no more binding in England than our laws are binding at Rome. But as far as these foreign laws, on account of some peculiar propriety have, in some particular cases, in some particular courts, been introduced and allowed by our laws, so far they oblige, and no farther their authority being *wholly founded upon that permission and adoption.*”<sup>53</sup>

Now the Commissioners in their summary on p. xxvii leave out the important words “under the Great Seal” from the Royal sanction, and also the words “as they were *afore* the making of this Act” from the recognition of existing canons. This enables “legal history” to supplant “the language of the statutes,” and to claim (p. 38-ii) that the ancient canons subsist as law “without provision made for the previous authorization by the King” under s. 7.

The Report says (p. xxxvi) :—

“The King’s Ecclesiastical Laws *not less than* [!] *the Canon law*, were administered by the Ecclesiastical Courts. Both were, where they did not conflict, of *equal* validity, and, where they did conflict, the Statute law over-ruled the Canon.”<sup>54</sup>

Why? If the jurisdiction were independent, as the Commissioners assert, why should the Spiritual Court ignore any of its own Canons, seeing that they were of “equal” validity? In the *Hist. App.* it is explained (p. 45, col. i) that the phrase “King’s Ecclesiastical Laws” meant merely statutes and Royal injunctions in contradistinction to canons. This fable is dignified with the high-sounding title of “Legal History;” but the “language of the Statutes” needs a good deal of “limiting” before it can be made to fit.

<sup>53</sup> 1 *Blackstone*, p. 14.

<sup>54</sup> Contrast the statement of Blackstone :—“It appears beyond a doubt that the Civil and Canon laws, though admitted in some cases *by custom* in some courts, are only subordinate and *leges sub graviore lege.*” (*Introd.*, sec. 3.)



*Language of the Statutes as to the "King's Ecclesiastical  
"Laws."*

A.D. 1535. 27 *H. VIII*, c. 20. Parson may convent "by due process of the King's Ecclesiastical Laws of the *Church of England*." "According to the said Ecclesiastical Laws AND Statutes of the *Realm*." (Stephens' *Ecclesiastical Statutes*, 195.)

A.D. 1548. 2 and 3 *Ed. VI*, c. 1, sec. 12. "Excommunication and other censures by the King's Ecclesiastical Laws." (Report, p. 222.)

A.D. 1548. 2 and 3 *Ed. VI*, c. 13, sec. 13. In "King's Ecclesiastical Court" the "King's Ecclesiastical Judge" decides "according to the King's Ecclesiastical Laws."

A.D. 1548. 2 and 3 *Ed. VI*, c. 23. "Brings back the state of the law to the state and order of the King's Ecclesiastical Laws" prior to A.D. 1540. (Report, 41-ii.)

A.D. 1588. 1 *Eliz.*, c. 2, sec. xi. "Ordinaries . . . in their Visitation Synods to punish by excommunication, censures, &c., as heretofore hath been used in like cases by the Queen's Ecclesiastical Laws." (p. 231.)

A.D. 1590. The Judges having been consulted in Caudrey's case, "it was resolved . . . albeit the Kings of England derived their Ecclesiastical Laws from others, yet so many as were proved, approved, and allowed here, by and with a general consent, are aptly and rightly called the *King's Ecclesiastical Laws of England*, which whosoever shall deny, he denieth that the King hath full and plenary power to deliver justice to all his subjects." (Report, p. 164.) (Compare 25 *H. VIII*, c. 21 ; cited above, p. 33.)

A.D. 1591. Richard Cosin, M.P., Chancellor of Worcester, became Vicar-General in 1583 and Dean of the Arches in 1590. He published in 1591 *An apologie of and for sundrie proceedings ecclesiastical, of late times by some challenged, and also diversely by them impugned*. In chap. 16, p. 102, he says that "laws of the land," in Magna Charta, did not include ecclesiastical law. "It is manifest that the words here have no relation to the jurisdiction ecclesiastical, for that which was done by that jurisdiction, was not at that time taken to be done by the King or by his authority : nor the laws that Ecclesiastical judges practiced holden to be the laws of the land, or the King's Ecclesiastical laws : as since the lawful restitution of the ancient right in that behalf to the Crown, they be often called, The *King's* or *Queen's* Ecclesiastical laws."

A.D. 1624. Lord Coke, speaking of "practices reputed Popish," said "the not observing the King's Ecclesiastical Laws was a matter for our consideration." (Report, p. 151.)

A.D. 1676. 29 *Car. II*, c. 9. Abolishing "De Hæretico comburendo."

"Nothing in this Act shall abridge jurisdiction of Protestant Arch-bishops," &c., but they may punish "according to His Majesty's Ecclesiastical Laws, by excommunication, censures, &c." <sup>55</sup>

See also Professor Maitland as cited above, p. 28.

The instances given (p. 46) of the removal of Chancellors by the Crown, and the quotations by Lord Penzance from Lord Coke and Chief Baron Comyns (p. lxxv), further illustrate the principle that the "Reformation Statutes" and all "subsequent statutes" alike regard *all* "spiritual jurisdiction" as inherent in, or "granted" to and "annexed and united" to the Crown, by the "authority of Parliament." This cuts at the *root* all theories of an "independent" jurisdiction whether in the foreign or domestic priests. "Historic continuity" is therefore a fraudulent theory when it seeks to go behind this transfer, except for antiquarian purposes.

Before leaving this first part of 25 H. VIII, c. 19, we may notice an illustration of Dr. Stubbs' method in "legal history." (p. 34.) He is anxious throughout to show that Convocation had a voice in all legislation affecting the Church of England. He urges (in the absence of a single scrap of evidence that the appellate portion of the Act *was* ever submitted to Convocation) that "there is no evidence that the clauses 4, 5, and 6 "were *not* laid before the clergy:" fearing that this might not be deemed conclusive, he adds that the Spanish Ambassador spoke, on March 25, of certain unnamed Acts passed by the Commons as "to-day ratified by the "nobles and clergy." (p. 105.) Feeling that even this might be deemed inconclusive, he continues (p. 104-1): "The last clause (§ 7) seems to have been added during "the passage of the Bill through Convocation to the Com-mons[!]" as the document ends with the usual formula "*soit baille aux communes*" and "*à cette provision les communes sont assentez.*" This is how "legal history" makes

<sup>55</sup> Stephens' *Ecclesiastical Statutes*, 623.

itself. The "provision" in question, we are told by the journal of the Lords, was *per dominos imposita*. (Report, p. 106.) Dr. Stubbs suppresses the statement of Wilkins *loco citato*, "*a ceste bille, avec une provision annexe, les Seigneurs 'sont assentuz';*"<sup>56</sup> and the statement of Wake (pp. 478-550), that it was "made by the Lords," although (without naming him) he adopts his words. (p. 34.)

Now it might occur to a student of "legal history" that a provision<sup>57</sup> made by the Lords on March 28, was unlikely to have been "forced through the Convocation" on March 25; and again that it could hardly be said that "nothing is wanting but the King's confirmation" (p. 105), unless the "nobles and clergy" who are said to have then ratified it, had been the House of Lords. To make the thing smoother, Dr. Stubbs then drops "the nobles" from his quotation (p. 34), and says the Spanish Ambassador spoke "of the clergy" as being employed in this discussion. Yet he is good enough to add that the evidence is "not decisive," the fact being that there is no "evidence" at all<sup>58</sup> except of the wishes of Dr. Stubbs. It is not even certain that the Acts referred to by the Ambassador included the 25 H. VIII, c. 19, which he mentions just afterwards as one which he had "*forgot to mention*" (*vide supra*, p. 46): especially as that Bill did not, in fact, come up from the Commons till March 27 (p. 104-ii) at which date it did not contain the "provision."

Dr. Stubbs says (p. 34), "It is difficult to say on what ground "the opposition could have been based," to a Revision of Canon law by the Royal Commission. If

<sup>56</sup> This was the customary Parliamentary form. See D'Ewes' *Journal*, pp. 26, 576.

<sup>57</sup> This proviso did not relate to the Court of Appeal, but belonged to the earlier sections of the Act relating to Canon Law.

<sup>58</sup> It is not known where Wilkins got the "Bill" which he gives "as" from the Register of Convocation, says Mr. Dibdin. (*Church Courts*, p. 95.)



he turns to his own *Appendix IV* (pp. 92, 93), he will see where the shoe pinched. "The Prelates replied that "if the King would show them anything unreasonable in "their constitutions, they would amend it *without the "interference of Laymen.*" Very much to the point therefore was the petition of the clergy to the King complaining of the legislation of this very Parliament (which passed *both* the "Reformation Statutes" mentioned in the Royal Commission of 1881) as—

"*Enervating the Canonical Sanctions* and incurring manifest peril to "the souls of those who enacted them and of those who executed them, "notoriously and damnably incurring the sentence of excommunication " <sup>59</sup> "by Statutes . . . "to the making of which they (the Clergy) "have not consented by themselves nor by their proctors, *nor have "they been consulted concerning the same.*"

With what fairness then can it be said (p. 34), "It seems "most probable, on the analogy of the King's other "proceedings at this date, that in some shape or other (!) "the consent of the clergy *was* given to this Statute *as a "whole.*"

On February 24, 1532, Abp. Warham had formally protested in writing against any statute about to be published (*deinceps edendo*) in that Parliament "to the loss, "prejudice, or restriction of the ecclesiastical power," <sup>60</sup> but these words are omitted by Stubbs.<sup>61</sup>

As to the second part of the Statute 25 H. VIII, c. 19, its wide-sweeping language giving to the Delegates "all "manner of appeals of what nature or condition soever "they be of, or *what cause or matter soever* they concern " . . . any usage, custom, or prescription to the contrary "notwithstanding," is so comprehensive that even the "Draft Report" admits (p. 39-ii) that it "extends the

<sup>59</sup> "Sanctiones canonicas enervantium" . . . "sententiamque "excommunicationis notorie et damnabiliter incurrendo." This "cursory observation" is omitted by Canon Stubbs. (p. 92, ii.)

<sup>60</sup> Burnet, *Hist. Ref.*, III-ii-48.

<sup>61</sup> *Hist. Appendix*, I-88.

"*subject-matter* to all matters on which appeals could lie." In copying the context (at p. xxix of the Report) the Commissioners have eliminated this admission. Why?

They only allow that it extended the "*process*" of 24 H. VIII, c. 12, to other subjects. But that is completely inaccurate. No "*process*" was created by 24 H. VIII, save in the matter of the King's causes, and this so far from being extended to any other matter, "does not appear ever to have been exercised" (p. xxix), being "superseded by the Act of the following year." (p. xxxvii.) The same "*process*" in ALL matters went on as before the "Reformation Statutes," which only provided a new Court of Appeal, and, as we have seen, placed the whole "spiritual" jurisdiction on the foundation of Royal supremacy, *i.e.*, of the national will expressed through its "Supreme Head."

The Commissioners had half-committed themselves to a theory (at pp. xxv and xli) that heresy cases were never allowed to be appealed even from the Diocesan Court to the Arches. The Hon. C. L. Wood had "ventured to point out that if there had been an appeal from the Bishop to the Archbishop's Court in regard to strictly spiritual matters, there would also have been an appeal from the Archbishop's Court to the Roman Curia" (Q. 836), and Canon Jenkins (Q. 2895) admits that the appeal "*ab Archiepiscopo*" given in the *Reformatio Legum* "looks as if there had been an appeal previous to that." This seems reasonable, since the Report tells us that from the Conquest "the sentences or authoritative answers to questions delivered by the Pope" were "laws of the Church of England" (p. xviii); and again (p. xxv), that the definitions of Archbishop Courtenay, &c., against Wycliffe were the standards of heresy. For these not merely defined transubstantiation, but made it heresy (A.D. 1382) and *not mere error*, to say "That if the Pope is under a decree of reprobation, an ill man, he has no authority over the

“faithful;” or “that all Christendom ought to live “independently, like the Greek Church.”<sup>62</sup> The Duke of Norfolk told Chapuys, the Spanish Ambassador, that “the Pope had no business to interfere in affairs of this “kind, *except* to decree and discuss cases of heresy.”<sup>63</sup> Clearly the burthen of proof lies on those who deny that there was an Appeal to the Pope in Heresy, when trumpery squabbles about elections (Q. 1123) confessedly went to the reputed Head of the Church. A glance at the Index, page 124, under the head “Was heresy “appealed to the Pope?” will show what the evidence was on this point. It is difficult to believe that Dr. Stubbs can seriously<sup>64</sup> suppose that the Pope was not held to be the ultimate referee, when he himself tells us (p. 54) how Wycliffe was tried by “Judges Delegate “named in the Pope’s bull,” A.D. 1377; how, at request of the archbishop, Bp. Buxton was reserved “until “the Apostolic see should determine about him,” A.D. 1384; how Convocation in June, 1425, appointed a Proctor, “pro parte cleri” to appear in the *Court* of Rome against Russell, who had appealed to Rome, and “granted a farthing in the pound for expenses” (p. 63); in the case of Bp. Pecock, 1457, Canon Stubbs tells us<sup>65</sup> that “the Pope was requested to deprive him.” This fact for some reason he omits to place in his ‘Table’ (p. 68), although it was brought in evidence by Mr. Droop (Q. 2494). Lastly, how the Papal Legate Wolsey sat in

<sup>62</sup> Collier, III-158.

<sup>63</sup> Gayangos’ *Letters and Despatches*, IV, pt. 2, p. 26.

<sup>64</sup> It is still more difficult to excuse his suppression of the fact brought to his notice in evidence (Q. 2191-2) that by Canon Law the victims were to be burned FIRST, “the appeal being postponed.” The absence of appeals is thus sufficiently accounted for. Thus when Bp. Ferrar appealed to Cardinal Pole from the diocesan he was burned, all the same, fourteen days afterwards. (Foxe, VII-25.) (*See* Index, p. 125.)

<sup>65</sup> *Const. Hist.*, II-317. *See also* Lewis’ *Life of Pecock*, pp. 174, 178.



the Province of Canterbury, *with the Archbishop of Canterbury for his Assessor*, A.D. 1527, to try Bilney for heresy. (p. 68.)

But after all, it is quite immaterial to the inquiry what was the pre-Reformation use, because, as has been seen (*supra*, pp. 34, 51), the King's appellate jurisdiction was *not* limited to that formerly usurped by the Pope. So also, at p. 65, it will be seen that 25 H. VIII, c. 14, did *not* render c. 19 inapplicable to heresy. The notion that only matrimonial suits went to the Pope was confidently put forward by the Hon. C. L. Wood, but was repudiated by Dr. Stubbs, upon whose authority he professed to be relying, but whose language is inconsistent with itself. (Compare Q. 1123 with p. 31-i of his "Draft Report.")

A more plausible objection was the suggestion that the appeal given by section 4 being "for lack of justice" was merely analogous to the *appel comme d'abus*; but this is refuted by the "language of the statute," which assigned the Delegates to "definitively determine every such appeal *with the causes and all the circumstances* concerning the 'same;' or, as the parallel Irish Act 28 H. VIII, c. vi, expressed it "and in the principal matter and in all the 'circumstances and dependents thereupon.'" <sup>66</sup> It was pointed out by Dr. Phillimore (Q. 1374) and by Sir R. Phillimore (Q. 6946) that prohibition rather than appeal is the true analogue of the *appel comme d'abus*.

Lastly, the objection that Heresy did not go to the Delegates, because such cases were taken to the High Commission Court, is urged (p. 47-i); but it fails in three respects. First, it proves too much, for *all* ecclesiastical

<sup>66</sup> Stephens' *Eccl. Stat.*, p. 204. Audley writes to Cromwell, August 14, 1535, and calls the draft of this Bill "the Act for the appeals in *all* 'spiritual matters.'" (*State Papers*, H. VIII, 1830, Vol. I-439.) In *Bird v. Smith* (Moore, 781) it was held that 25 H. VIII, c. 19 was only a declaration and restitution of the common law, but not a new grant of supremacy over the Church.

courts were similarly interfered with; as Bp. Hacket is quoted (p. 185, note) to prove that the *Diocesan Courts*

"Became in a manner despicable, because the matters belonging to every diocese were followed before the High Commission. That it might be said to the neglected prelates at home, Are ye unworthy to judge the smallest matters?" (Compare p. xxxiii, line 22.)

Yet it is in evidence that when Wightman in 1612 and Trendall in 1640 were brought before the High Commission for heresy, the latter body handed them over to be tried by the Bishop in his Consistory.<sup>67</sup>

Secondly, the absence of the records of heresy cases before the Delegates is thus accounted for by Mr. Rothery (whose return is the basis of all our knowledge, p. 188):—

"Considering the scanty materials from which the earlier periods of the return have been compiled, the fact that no instance has been found of an appeal to the Delegates in a doctrinal case prior to the year 1660, *can hardly be taken as a sufficient proof that no such case came before the Court. . . .* The records of the sixteenth century are almost entirely wanting."

But that does not entitle us to fill them up with imaginary "legal history." One hundred and ninety-three cases in which doctrine and discipline were concerned came before the Delegates between 1568 and 1833, and Dr. Stubbs admits that—

"So long as the Court of High Commission existed no case was likely to reach the Court of Delegates, *even if right of appeal* from the Archbishop's Court to the Delegates were likely to be recognized." (p. 50-52.)

In addition to those mentioned in Mr. Rothery's return, others may be instanced. Bp. Wolton wrote in 1581 to Lord Burleigh about "one Anthony Randal, late parson of Lydford in my diocese; whom I justly deprived for his damnable opinions and heresies. And after his appeal from me to the Arches, and from thence to Her Majesty's Delegates, I had my proceedings approved and

<sup>67</sup> Lewis's *Reformation Settlement*, pp. 433, 434.

"ratified."<sup>68</sup> Mr. Lewis, in his *Reformation Settlement* (published by Elliot Stock), observes "We have also the "deprivation by the Delegates, on May 22nd, 1617, of "M. Mady, rector of Blagdon, for grave crimes and excesses; on April 29th, 1619, of J. Eaton, Vicar of Wickham Market, for heresy (*nonnullos et varios errores, falsasque opiniones*); on February 13th, 1623, of J. Newton, parson of Havordstocke, for non-conformity (*in-conformem regimini et ritibus Ecclesiæ Anglicanæ incorrigibilem*) a case like Bp. King's; and in 1624, of "Samuel Earle, rector of Thoydon Garnon."<sup>69</sup>

But there was another very efficient reason, viz., that the double Appeal to the Arches and Delegates cost money, while the "heretics" who were burned to death by their Bishop were poor men like Matthew Hamont, a ploughwright, burned in 1579; John Lewes, burned in 1583; Ket, burned 1589; Legate and Wightman, burned 1612,<sup>70</sup> and were therefore unable to appeal from the sentence of their "chief pastor."

Thirdly, we have in the case of Lambert (A.D. 1538), before mentioned (p. 5), proof that the King's Delegates did hear appeals in Heresy from the Archbishop's Court when 25 H. VIII, c. 19, was recently enacted.

The "legal history" of the High Commission Court is simply that under the Tudor monarchs so many of the Bishops were at first hostile to the Reformation and at a later period were secretly conniving at irregularities, as to necessitate extraordinary "visitation" on the part of the Crown. The High Commission Court being a court of first instance, without appeal, and backed by the Government, its process was swift, and it is not wonderful that the Delegates should for a time have been little heard of, seeing that "more than one third of the whole "number of appeals were discontinued or abandoned,"

<sup>68</sup> *Strype, Ann.*, III-ii-180.

<sup>69</sup> Lewis, p. 365.

<sup>70</sup> *Ibid.*, pp. 285, 300. Mr. Droop mentions eleven cases of doctrine or ritual before the Delegates in 1666 and subsequently.



owing to the vexatious delays of that court. (Rothery's Return, p. 183.) The cause of these delays should be studied in Mr. Rothery's Return, because, as will be seen hereafter (p. 90), the proposed "Ecclesiastical Procedure Bill" seeks to reproduce in the Court of Appeal the dead-lock system which died with the Delegates.

## 25 Hen. VIII, c. 14

(March 30, 1534. Repealed by 1 Edw. VI, c. 12, Dec. 24, A.D. 1547),

which provided for *increased* activity in the burning of Heretics, may hardly seem a "Reformation Statute." Yet it mitigated the iniquity of the older processes which are glossed over under the name of "Canonical Sanctions." (p. 40-ii.) "What were those Canonical Sanctions? "They were the 'titles *de hereticis*' in the three Papal Law Books." <sup>71</sup> The same phrase was adopted by the Commissioners (p. xxxii), to hide the "inquisitorial process," as the Royal Commission of 1832 called it. The description there given (p. 202), is expressed in more homely fashion by the complaint of the Commons (p. 103):—"Calling "them to courts *ex officio* and not knowing their accusers, "causing them to abjure, or else to burn them for pure "malice, taking tithes and offerings contrary to justice, "and being judges <sup>72</sup> and parties in their own cause."

So in the year 1395, 18 Richard II, in the celebrated Wycliffite "Remonstrance" of John Purvey, it was complained that "in cause of heresy vicious persons should "be admitted to bear witness against him that is accused "of heresy, and yet in some cases he shall not know their

<sup>71</sup> Maitland's *Roman Canon Law in England*, p. 80.

<sup>72</sup> In 1515, King Henry had told the clergy, "As for your decrees, "we are well assured that you of the Spirituality . . . interpret your "decrees at your pleasure." He refused the appeal to the Pope, urged by the Spirituality in this case (Dr. Standish's), which they deemed one of Heresy. (Burnet, I-i-34, and Bp. Gardiner's Oration, published by Longmans, p. 20.)

"names how falsely soever they accuse him."<sup>73</sup> In 1532 the Commons had complained of "subtle examinations in "heresy by which men are beguiled into error and "heretical statements." (p. 90.) And on April 30, 1532, Convocation signified in their answers to the Commons that "further legislation against heresy appears to them "unnecessary." (p. 92.) So too in 1536, York Convocation petitioned that "process be made hereafter in "heresy, as was in the days of K. Hen. IV." It was under this favourite statute that the Marian burnings for heresy were also effected.<sup>74</sup> And this renders it probable that the complaint of the clergy, that they were "not "consulted in the making of the statutes" of 25 H. VIII related to *this* Bill, since that complaint expressly named the "enervating the canonical sanctions" by Statute. (*See* above, p. 58.) Hence, it is also probable that the twin Bill, 25 H. VIII, c. 19, which came up from the Commons, and also was ratified by the King, on the same day with 25 H. VIII, c. 14, came under the *same* clerical condemnation.

That these two Acts were regarded as dealing *jointly* with Heresy is probable too from Audley's letter to Cromwell on the proposed extension of them to Ireland: "I have left the Act of Heresy and the Act of the Sub-mission of the Clergy for this time; for I think it is not "necessary for that land; *for* the Statute of King Henry "IV, in cases of Heresy, was never put in execution in "that land, as I am informed."<sup>75</sup>

"There is no reference (in 25 H. VIII, c. 14) to the "right of appeal or to any right of discretion as to the "issuing of the royal writ 'de hæretico comburendo,'"

<sup>73</sup> Forshall's Reprint, Longmans, p. 30.

<sup>74</sup> *See* Strype, *Eccl. Mem.*, I-ii-266. Cardwell's *Synodalia*, ii-435, gives the petition of Convocation in 1554 that the bishops "may be "restored to their pristine jurisdiction against heretics . . . as in the "first year of King Henry VIII."

<sup>75</sup> *State Papers* of Hen. VIII (1830), Vol. I, p. 441.

says Dr. Stubbs. (p. 34-i.) The reason is obvious; by the *companion* measure 25 H. VIII, c. 19, these defects had been neutralized by providing an appeal in *all* causes from the Bishop to the Archbishop and from him to the Delegates. Without this provision, the complaints of the Commons—with whom both measures originated—would not have been met; and if the Commissioners are right in following Dr. Stubbs in his strange notion that heresy could not have been appealed before 1534, even into the Arches, from any petty diocesan consistory (*supra*, p. 59), although it was a question of life and death as well as of theological difficulty—yet, even so, the 25 H. VIII, c. 19, should have been gratefully recognized by a “legal “historian” as putting an end to the “historic continuity” of a practice as cruel as it was unreasonable. Moreover, under this Act, 25 H. VIII, c. 14, two justices might admit the accused to bail if *the Ordinary refused*, subject to an appeal to the King in Council.

### 25 Hen. VIII, c. 20.

(A.D. 1534. *Annates*, p. 210.)

This Act like the 23 H. VIII, c. 20 hardly deserved a place among Statutes to be reprinted by the Commission as bearing on “Courts.” It provides that Deans and Chapters shall “elect” under penalty of *præmunire* the person named by the King who, if they fail to do so, is to present by Letters Patent. And a like penalty of *præmunire* against any Archbishop or Bishops who may refuse to consecrate.

### 25 Hen. VIII, c. 21,

before quoted (p. 33), is ignored by the Commissioners. It confers upon the Abp. of Canterbury power to grant licences, dispensations, &c. Sir Thomas Audley, a layman, being then Lord Chancellor, it is provided that an Injunction in Chancery shall issue, if need arise, to compel the Archbishop to grant licences, &c. Under



§ 20 the attendance of Bishops at General Councils was prohibited.<sup>76</sup>

### 26 Hen. VIII, c. 1.

(November 17, 1534. *Supremacy Act.*)

This short Act the Commissioners smuggled away in the smallest type (p. 72). Yet they build much upon the supposed contrast between the "Headship" herein claimed and the "Supreme Governorship" of later times. The Act itself, however, was merely declaratory, and *did not enact*<sup>77</sup> the "Headship" which it said had been "recognized by the clergy in their Convocations"; but it only "corroborated and confirmed" what already "*right-fully is and ought to be.*" It will be remembered that the Court of Delegates and their Appellate Jurisdiction were altogether prior to this Act. The stress laid by "legal historians" on this "headship" is purely verbal, unreal, and misleading."<sup>78</sup>

### 28 Hen. VIII, c. 7.

(A.D. 1536. *Attainder of Anne Boleyn*),

ignores the instrument drawn up by the clergy sanctioning the divorce from Anne Boleyn more than a month after her death. This is regarded by Canon Trevor (Vol. II, p. 378) and the Hon. C. L. Wood (Q. 805 and p. 42) following herein Mr. Joyce,<sup>79</sup> as a trial under 24 H. VIII, c. 12, forgetting the pertinent fact that Queen Anne was beheaded May 19, 1536, and Convocation did not meet till June 9. (p. 112.)

<sup>76</sup> Stephens' *Eccl. Statutes*, p. 169.

<sup>77</sup> "The King's Grace hath no new authority given hereby that he "is recognized as supreme head of the Church of England." Contemporary State Paper in Froude, II-219. See also Lord Cairns in *Fourth Report of Ritual Commission*, p. 224.

<sup>78</sup> Compare Green's *Hist. of England*, II-153, and see below on 1 Eliz. c. 1.

<sup>79</sup> In his *Sword and Keys* (p. 133), for which "the thanks of the Commissioners were conveyed to Mr. Joyce." (p. 5.)

**31 Hen. VIII, c. 14.**

(*Passed June 16, 1539, repealed Dec. 24, 1547.*)

The notorious "Six Articles' Act" rehearses the assent of the "Clergy in their Convocation." No need here of "legal history" to supply that which is lacking. (p. 117.) The text is given in Foxe V-262.

**32 Hen. VIII, c. 26.**

(A.D. 1539),

misrepresented by the Commissioners (p. xxvii) as 'the King acting with the advice of divines.' Mr. Valpy, however, had pointed out (Vol. II, p. 299, col. ii) that the recital of the Act specifies the King "with the advice of "his most honourable Council and such as His Highness "hath appointed or shall from time to time appoint." This makes it clear that the clerically drafted formulas had to be submitted to and accepted by the Privy Council, or by a Royal Commission before being "decreed." "Legal History," it seems, preferred to ignore this fact. (p. 35-i.)

Even the Drafting was not necessarily by "Archbishops, "Bishops, and Doctors now appointed," for the Act gave the alternative "*or other persons.*" So in the State Paper, quoted by Froude (II-220) it is said, "if any of the doctors "of the Church, or the Clergy have, by any of their laws "or decrees, declared any Scripture to be of that effect, "Kings taking to them their Counsellors, *and* such of "their Clergy as they shall think most indifferent, ought "to be judges whether their declarations and laws be "made according to the truth of Scripture *or not.*"

Henry's own draft of the Six Articles, in Wilkins, III-848, assumed that the King and Parliament have judged of doctrine. The proper Title of the Ten Articles of 1536 was "Articles devised by the King's Highness Majesty, to "stablish Christian quietness," &c.<sup>80</sup> And the "Institu-

<sup>80</sup> See Bp. Lloyd's *Formularies of Faith*, Pref. vi.

"tion of any Christian man" in its "Preface of the  
 "prelates" submitted their draft "to the most excellent  
 "wisdom and exact judgment of your Majesty, to be  
 "recognized, overseen, and corrected, if your grace shall  
 "find any word or sentence in it meet to be changed,"  
 &c.<sup>81</sup> So utterly untrue is it that only "spiritual persons,"  
*i.e.*, professional clergymen were permitted to deal with  
 matters affecting religion.

### 34 and 35 Hen. VIII, c. 1.

(A.D. 1543),

euphemistically described (p. xxxi) as "an Act for the  
 "advancement of true religion," but really directed against  
 Tyndale's translation of the New Testament into English;  
 was "mainly based upon a resolution of Convocation."  
 (p. 35-i.) The death penalty followed a third conviction;  
 but it allowed in lieu of the Ordinary and Judge, two of  
 the King's Council. (p. 40.)<sup>82</sup>

### 35 Hen. VIII, c. 5.

(A.D. 1543. *Amending "Six Articles' Act."*)

Dr. Stubbs notices the "presentment by jury" (pp.  
 40-ii), but omits to mention that of the two Commissioners  
 appointed by the Act "one of them to be a Lay person."

### 37 Hen. VIII, c. 17.

(December 22, A.D. 1545. *Lay and Married Men to be  
 Spiritual Judges.*)

In 1542 this measure had been thrown out by the  
 Bishops (p. 128 and Vol. II-370), but in 1545 it ran  
 through Parliament in a week. (Report, p. 35.)<sup>83</sup>

Being a short Act and dealing directly and exclusively  
 with the "constitution and working of the Ecclesiastical

<sup>81</sup> *Formularies of Faith*, p. 26.

<sup>82</sup> See *Original Letters*, 356. Corrie's *Concise History*, 103.

<sup>83</sup> Compare Stephens' *Ecclesiastical Statutes*, 288.



“Courts,” it is not printed by the Commissioners! This is the more to be regretted because both the Report (p. xxviii) and the Draft (p. 39) in citing it, *omit* the words italicized in the following passage:—

“All the singular persons, as well Lay, as those that be married . . . which shall be made . . . Chancellor, &c., by Your Majesty . . . or by any Bishop . . . or other person, having authority *under Your Majesty* . . . to make any Chancellor,” &c.

Dr. Stubbs admits that it “implies the possession of all Ecclesiastical jurisdiction, and that *exclusive of any inherent jurisdiction in the clergy.*” A very important admission when we remember that it is under this Statute that every Chancellorship in the kingdom is now filled. He is not accurate, however, in saying (p. 39-ii) that the Act speaks of Lay rights in Ecclesiastical jurisdiction being disparaged by “Canon Law<sup>84</sup> as yet unrevised.” The Act speaks of that law as having been “utterly abolished” ten years previously, being as the Commissioners say (p. xxviii.) “abrogated by the Statute “25 H. VIII, c. 19.”

Dr. Stubbs is very angry with it, declaring its statement of the Supremacy to be “based upon no legislative “Act” (although the Act *expressly mentions* 25 H. VIII, c. 19, as the basis of the whole enactment), and he denounces it as one of “the false preambles of Henry’s “Statutes,” of which “the Great Statute of Appeals” was one. (p. 37-i.) Similarly, he asserts (p. 40-i) that the interpretation of 37 H. VIII, c. 17, by the Judges in *Walker v. Lamb* was “grounded upon an extreme view of “the Supreme Headship”; whereas the Headship is not so much as once referred to in that Judgment.<sup>85</sup>

<sup>84</sup> For this Canon Law Dr. Stubbs refers us to Chichele’s *Constitution*, A.D. 1415, given in Johnson’s *Canons*, II-479; Lyndwood, lib. iii, fol. xciii, and the *Decretals*, Greg. ix, lib. ii, tit. i, cas. 2. (*Appendix*, p. 39, cas. 2.)

<sup>85</sup> Croke’s Report, Car. 258.

The preamble which offends him says—

“The Bishop of Rome and his *adherents*—in their councils and “*synods provincial*, have made *constitutions* that no lay or married “man might exercise any Jurisdiction Ecclesiastical—lest their false “and usurped power, which they pretended and went about to have “in Christ’s Church should decay” . . . “which constitutions provincial “ . . . standing and remaining *in their effect*, not abolished by Your “Grace’s laws, did sound to appear to make greatly” for the Pope. Sec. 2 continues, “and albeit the said decrees, ordinances, and con- “stitutions by a *Statute made in the twenty-fifth year* of your noble “reign *BE* utterly abolished, frustrate, and of none effect ; yet because “the contrary thereunto is *not used nor put in practice* by the Arch- “bishops, Bishops, Archdeacons, and other ecclesiastical persons who “have no manner of jurisdiction ecclesiastical but by under and from “your Royal Majesty” . . . .

it enacts that lay and married men may exercise Ecclesiastical Jurisdictions, “and all censures and coercions “appertaining unto the same.” Considering the importance attached by the Commissioners to the “personal” Judgeship of Bishops, their suppression of this Act which is in *viridi observantiâ* <sup>86</sup> (while they take up space with an Act relating to Primitive Methodists (p. 240), and matter relating to other private societies) marks their motive rather than pertains to their ostensible purpose. The Act is printed in Brodrick and Fremantle’s *Ecclesiastical Judgments of the Privy Council*, with Preface by Abp. Tait, Introduction p. xxxiii.

### 1 Ed. VI, c. 1.

(December 20, 1547. *Communion in both kinds*),

revived by 1 Eliz. c. 1, allowed Bishops to advise the Justices of Quarter Session who, with a Jury, took

<sup>86</sup> This Act, which was merely declaratory of the old law, was repealed by the “Statute Law Revision Act, 1863,” but subject to a proviso that this repeal “shall not affect any principle or rule of law “or equity or established jurisdiction . . in any manner affirmed, “recognized or derived by, in, or from any enactment hereby “repealed.”

cognizance of the offences against this Act. Dr. Stubbs forbears to note that this was a recurrence to the principle of Anglo-Saxon times. (*See Q. 4338.*) Compare Lord Hardwick's account of the true function of Convocation, as advising the Legislature rather than legislating. (p. 167.) Convocation, it is said, "accepted the principle of communion in both kinds" (p. 41); but it was "*during* the "progress of the Bill through the Lords." (p. 143.) The fact being, that the Bill which was read a first time in the Lords on November 26 was not submitted to Convocation till November 30. The Lower House of Convocation, says Dr. Stubbs (p. 142), largely "consisted of men "who were indisposed to the new policy, and kept silence "in hopes of a possible reaction," the irregular and equivocal nature of their alleged assent is described by Dr. Gasquet in his *First Prayer Book of Edward VI*, pp. 75, 76. Five Bishops voted against the Bill in the Lords and eleven others absented themselves.

### 1 Ed. VI, c. 2.

(December-20, 1547.)

This Act anticipated the legislation recommended by the Royal Commission of 1832, as to "probates of testaments, administrations, and inventory." It was not finally repealed till 1863, by the Statute Law Revision Act. Archdeacon Hale described it as "a statute "which . . . appears to contain a declaration of the "fundamental principles of the English Constitution as "to the Supremacy of the Crown."<sup>87</sup>

It stands in a position in "legal history" curiously parallel to that of "the Great Statute of Appeals." Both were repealed under Mary; both were revived (*viz.*, by 1 Eliz. c. 1, and 1 Jas. I, c. 25, s. 8, respectively); both were "in effect repealed" and "superseded," as to the

<sup>87</sup> Hale's *Inquiry into the legal history of the Supremacy of the Crown*, p. 9.



main purpose of their original enactment.<sup>88</sup> (See above, p. 45). Yet the difference of treatment which they receive at the hands of the Commissioners is curious; the reason is found in the language of their respective preambles. (*Supra*, p. 35 and 48.)

### 1 Ed. VI, c. 12.

(December 24, 1547. *Repealing Heresy Acts*),  
was opposed by five Bishops.<sup>89</sup> Dr. Stubbs says Convocation "discussed the repeal of the 'Six Articles' Act." (p. 41.) He does not report the result of the discussion; but Mr. Dibdin says "it does not appear that the repeal was expressly sanctioned by Convocation."<sup>90</sup>

### 2 and 3 Ed. VI, c. 1.

(January 22, 1549. *First Prayer Book*.)

This Act gave the Bishop the same power of advising the Justices of Assize as noted before under 1 Ed. VI, c. 1. (See also *supra*, p. 71.)

It recites that the King had appointed a Royal Commission of Bishops and other learned men (who met at Windsor, not at Lambeth), but the Act is silent as to any sanction from Convocation.

In order to show that Convocation authorized the first Prayer Book, Mr. Joyce produces as witnesses "Abp. Bancroft, who was born before this book was compiled"<sup>91</sup>—and, he might have added, who was then of the mature age of four years,—and Abp. Abbot, who was born about a score of years after Bancroft.

Against these witnesses "born out of due time" may be set Bp. Ridley, who in 1550 urged, "Hath not the Archbishop with his *company* of learned men *thereunto* appointed

<sup>88</sup> The clauses of 25 H. VIII, c. 20, repugnant to (and therefore repealed by) 1 Ed. VI, c. 2, were expressly revived by 1 Eliz. c. 1. See Collier, V-231, and *Second Report of Ritual Commission*, p. 284.

<sup>89</sup> Burnet, *Hist. Ref.*, II-i-81.

<sup>90</sup> *Church Courts*, p. 23.

<sup>91</sup> Bancroft moreover was speaking of the *Order of Communion* of 1548, not of the First Prayer Book. (Gasquet, p. 152.)

by the King, his Highness, and his Majesty's Council "appointed them [*i.e.*, 'our vestments']? . . . I cannot "but wish the writer a better mind, both toward the com-  
 "posers, which was the company appointed of learned  
 "men, and also towards the Parliament which was the  
 "stablishers of the Book of Common Prayer in the Church  
 "of England."<sup>92</sup> Foxe, who published in Elizabeth's reign, and Fuller and Heylin who wrote under the Commonwealth, agree that it was merely a Royal Commission; and Heylin says explicitly that the first book of Edward was *not* submitted to Convocation.<sup>93</sup> Now both Fuller and Heylin examined the records of Convocation, which had not then perished in the Fire of London; and Heylin was always desirous of magnifying the office of the priesthood. It was "only after the destruction of the  
 "records of Convocation in 1666 that Atterbury appealed  
 "to the passage quoted from Wilkins IV-35, as proving  
 "that the Convocations were consulted about the Prayer  
 "Book." Atterbury's more trustworthy contemporary, Abp. Wake is silent on the point.<sup>94</sup> Heylin explains the ground on which the Royal claim to the sanction of Convocation for the work of these Royal Commissions rested, viz., that Convocation had recognized the King to be the  
 "Supreme head" of the Church. Dr. Lewis adds that the presence of Bps. Goodrich and Salcot among the Royal Commissioners to compile the Prayer Book, also gave colour to the statement, because those Divines *had* formerly *been* members of a Committee appointed by Convocation in 1543 to revise the old offices.<sup>95</sup> But it is

<sup>92</sup> *Bradford's Works*, p.s. ii, 387.

<sup>93</sup> *Cypr. Ang. Ed.* 1671, lib. iv, p. 51.

<sup>94</sup> *State of the Church*, p. 495.

<sup>95</sup> It will be seen from Cardwell's *Synodalia* (p. 421), to be very doubtful whether the Henrician revision of the service book which the Lower House of Convocation asked to see (p. 143), *was* the first Book of Edward. Dr. Gasquet has shown that it related to an earlier revision which was never adopted. *Edward VI and the Book of Common Prayer*, chap. X.

notable that when the Protector Somerset wrote to Cardinal Pole on June 4, 1549, in favour of the new book, he did not pretend that it had any sanction whatever from Convocation.

Mr. Joyce says, "All trustworthy historians, who have written on the subject, do not doubt, but on the contrary positively assert that it had Convocational authority." If so, Burnet, Collier, Fuller, Heylin, Froude, Canon Dixon, W. K. Clay, Dr. Pinnock, Dr. Lewis, and the compilers of the "Interleaved Prayer Book" are all "untrustworthy," because they contradict the dogmas of Mr. Joyce on this point. Of the Bishops present in Parliament ten voted for and eight against the first Prayer Book.

### **2 and 3 Ed. VI, c. 21.**

(February 19, A.D. 1549.)

Marriage of Priests. Nine Bishops voted against it.<sup>96</sup> In 1547 a Bill for this purpose passed by the Commons had been defeated in the Lords.<sup>97</sup>

### **3 and 4 Ed. VI, c. 10.**

(A.D. 1550),

opposed by six Bishops,<sup>98</sup> abolished ancient office books and images (*i.e.*, Church "Ornaments") lest they should be a hindrance to the Prayer Book "of late set forth by authority of Parliament." Offences tried before "Justices."<sup>99</sup>

### **3 and 4 Ed. VI, c. 12.**

(January 25, 1550.)

The Reformed Ordinal. Out of fourteen Bishops present, five voted against the Bill; while thirteen others absented

<sup>96</sup> Burnet, *Hist. Ref.*, II-i-183; Collier, V-304.

<sup>97</sup> Lea's *History of Sacerdotal Celibacy*, p. 487.

<sup>98</sup> Burnet, *Hist. Ref.*, II-i-294. Dasent's *Acts of the Privy Council*, p. 75.

<sup>99</sup> Raithby's *Statutes at Large*, II-294.



themselves. The Ordinal was never submitted to Convocation, but adopted by a majority of a Commission appointed "by the Lords" of the Privy Council.<sup>100</sup>

### 3 and 4 Ed. VI, c. 11.

(A.D. 1550. *Report*, p. xxxii.)

Revision of Canons. The Archbishop of Canterbury and ten Bishops voted against it;<sup>101</sup> and Collier (V-373), supposes it was because there were only two Bishops among the thirty-two Commissioners. Dr. Stubbs omits to note that the Royal Warrant under the Great Seal was required to give them validity.<sup>102</sup>

Dr. Stubbs says (p. 42): The Bishops complained that "by the use of public proclamations" their jurisdiction had fallen into contempt. He gives no authority for this statement, and it is difficult to see what "proclamations" had to do with it. Burnet's account is that Parliament was unwilling "to give the Bishops any power "while the rules of their Courts were so little determined "or regulated." The danger of *præmunire* hung still over any who attempted to put in use Canons whose authority (like that of the Canons referred to above (p. 70) forbidding lay or married men to judge Ecclesiastical causes) had been undermined by 25 H. VIII, c. 19. Hence, Mary (March 4, 1554), before the repeal of 25 H. VIII, c. 19, urged "all having Ecclesiastical jurisdiction "to "boldly proceed<sup>103</sup> without fear of *danger to be incurred of*

<sup>100</sup> See Estcourt's *Anglican Ordinations*, p. 25. Dasent's *Acts of the Privy Council*, II-379. Gasquet, p. 261.

<sup>101</sup> Hayward's *Life of Ed. VI*, p. 327.

<sup>102</sup> Compare *supra*, p. 52, and Burnet, *Hist. Ref.*, II-i-291.

<sup>103</sup> The following week, Cranmer, Ridley and Latimer were sent from the Tower to defend their "heresies" at Oxford. (Sanders' *Anglican Schism*, p. 363.) And three months earlier, viz., January 27, Sir James Hales, Judge of the Common Pleas, was sent to prison for charging the Justices at Quarter Session to observe the unreppealed laws of King Edward (Foxe, VI-395, 543. Burnet, II-i-496. Collier, VI-35).

“any such our laws as might anywise grieve you, whatsoever be threatened in any such case.”<sup>104</sup> Hence, too, the Edwardine clergy had petitioned “so that all Judges Ecclesiastical, proceeding after those laws, may be without danger and peril.”<sup>105</sup> This explains the solicitude of the clergy for a revision of the Canons which should be *authorized*. The revision for which they petitioned was one “according to the *Statute*.” (See p. 132.) The Draft omits to note this. (p. 35-i.) It was not so much reform, as *power* which was the object of this series of petitions. Nor was it merely that the “Lords thought the pretensions of the Bishops too great.” (p. 42-ii.) But as the Lords themselves said, that—

“The greatest part of the Bishops and clergy were still Papists at heart; so that if power were put into such men’s hands, they would employ it against those who favoured the Reformation.”<sup>106</sup>

This is confirmed by King Edward’s journal (in the *very next sentence to the one quoted* by Dr. Stubbs, p. 42):—

“Because those Bishops who should execute it, some for papistry, some for ignorance, some for age, some for their ill name, some for all these, are men unable to execute discipline.”<sup>107</sup>

This explains the meaning of “those that be of the best sort.” (p. 42-ii.) Fuller says “Now the true reason why the King would not intrust the diffusive body of the Convocation with a power to meddle with matters of religion, was a just jealousy he had of the ill-affection of the major part thereof; who under the fair rind of Protestant profession, had the rotten core of Romish superstition.”

### 5 and 6 Ed. VI, c. 1.

(April 14, 1552. *Second Prayer Book*.)

Dr. Stubbs, by quoting (pp. 41-43) the sessions of the same Parliament as the “first, second, and third

<sup>104</sup> Card., *Doc. Ann.*, I-III.

<sup>105</sup> Card., *Synod.*, II-420.

<sup>106</sup> Burnet, II-i-198.

<sup>107</sup> Burnet, *Hist. Ref.*, II-ii-102.

"Parliaments" of Edward conceals the fact that the *second* Parliament did not begin till March 1, 1553.<sup>108</sup> Thus the "legal history" of the two Prayer Books of Edward (which he affects to discuss, p. 143) is concealed. The very *same* Parliament which enacted the "first" book, enacted the "second;" the very same Divines<sup>109</sup> who formed the majority of eight to five in the Royal Commission for compiling the "first" book, also made the "second." The very same Parliament who described their own handiwork as done "by the aid of the Holy Ghost," claimed by this second "Act" of theirs to have "explained it and made it *fully perfect*." (p. 223-ii.) Now this, which is but one link in a chain of evidence that the First Prayer Book was a "compromise which satisfied "nobody"<sup>110</sup> and was never intended to be more than temporary, while the Second Book represents the matured judgment of our own native Reformers<sup>111</sup> who only accepted the former book (as an instalment of what was desirable) till they could get rid of their Romish colleagues—this interesting fact ought not to have been suppressed by a compiler and professor of the "history" of the period. On April 26, 1549, some six weeks before the first Prayer Book came into use, Bucer writes that the compilers of that book informed him that its rites were "only to be retained *for a time*, lest the people, not

<sup>108</sup> Wriothesley's *Chronicle*, II-81, and Burnet, II-i.441.

<sup>109</sup> Cox (who was one of them) writes, October, 1552:—"We have now for the second time altered the administration of the public prayers, and even of the Sacraments themselves, and have framed them according to the rule of God's Word."—*Orig. Letters*, p. 123.

<sup>110</sup> Rev. H. B. Walton's *Letter to Rev. T. T. Carter*. 2nd Edition, p. 51. Not a single copy of the First Prayer Book was printed after 1549, when the book was first issued.

<sup>111</sup> The proof of this is their public denial in 1548, in presence of their opponents and of the whole Parliament, of (1) any objective presence, (2) or oblation, (3) or reception by the wicked, of Christ's body in the Supper. See "*Great Parliamentary Debate*." (J. F. Shaw & Co. Price 6d.)



"having yet learned Christ, should be deterred by too  
 "extensive innovations."<sup>112</sup> Roger Hutchinson says of  
 reception of the wafer into the mouth (which was pre-  
 scribed by the first book), "So the king commandeth. . . .  
 "for a time and season . . . . until thou shalt have more  
 "knowledge. . . . intending, as I take it, to make an  
 "uniform law to the contrary."<sup>113</sup> The Rev. T. W. Perry  
 says: "The changes appear to have been determined upon  
 "before Bucer's censures reached Abp. Cranmer."<sup>114</sup>  
 Hardwick, Proctor, and Scudamore<sup>115</sup> hold the same  
 view.

But the evidence tendered to the Royal Commissioners  
 by some of the "spiritual" experts respecting the Prayer  
 Book, throws light upon the meaning of Dr. Stubbs'  
 obscure phrase, "Judges who have spiritual authority  
 and *theological competence*." (*Supra*, p. 7.) The Rev. J.  
 Oakley (afterwards Dean of Carlisle and of Manchester)  
 said of the "Second Prayer Book" (Q. 2447), that  
 King Edward "DIED BEFORE THE DATE FIXED FOR ITS  
 "ADOPTION, AND THE BOOK REALLY DIED WITH HIM."

The King died July 6, 1553, and the Book came into  
 use November 1,<sup>116</sup> 1552. Its use was far more general  
 than that of the "first" book had ever been. Mr. Welby  
 Pugin says "it was used by the great majority of the old  
 "priests."<sup>117</sup> Eight separate editions (besides several  
 separate impressions of each) and a French translation  
 are known to have been issued.<sup>118</sup> So far from "dying

<sup>112</sup> *Original Letters*, ii-535.

<sup>113</sup> *Works*, p. 232.

<sup>114</sup> *Notes on Purchas Judgment*, p. 271.

<sup>115</sup> *Notit. Euch.*, p. 737. See my "*Great Parliamentary Debate in*  
 1548," p. 19.

<sup>116</sup> "This day all copes and vestments are put down through all  
 "England."—Wriothsley's *Chronicle*, II-78. Compare Strype's  
*Cranmer*, Book II, chap. xxiii.

<sup>117</sup> *Church and State*, p. 20.

<sup>118</sup> Parker's *Introduction*, p. 30-5, and 509. Strype's *Cranmer*, III.  
 Appendix, 698.

"with the King," it was found that even in Mary's packed House of Commons, one-third were favourable to its retention; it was used exclusively by the English exiles abroad; and it lingered in actual use even in England so late as 1555.<sup>119</sup> "Did not many in the University, and "abroad in the realm, use this Service openly and commonly in their churches, afore it was received or enacted "by Parliament?" asks Bp. Pilkington in the next reign.<sup>120</sup> Cox and May, two of the compilers of the "first" Prayer Book, were among the "divines" who then preferred the adoption of the *second* book, which was accordingly enacted by 1 Eliz. c. 2. But even earlier than that, "on March 17, a Bill<sup>121</sup> was brought in that no "person should be punished for exercising the religion "used in King Edward's LAST year," read twice and ordered to be engrossed.<sup>122</sup> Although the use of Edward's Second Book did not become compulsory till June 24, it was used before May 10 in the Queen's Chapel,<sup>123</sup> on May 15 at St. Paul's,<sup>124</sup> and by May 21 "throughout "England."<sup>125</sup> On May 28 "most part of the City of "London" had restored it,<sup>126</sup> though the printers could not supply copies fast enough. At least four impressions belong to the year 1559. In 1662 the preference of the nation for the second book of Edward was again manifested. The House of Commons sought to re-enact "the "original" of Edward's *second* book, and only fell back upon a book of 1604, after failing to discover the "original"

<sup>119</sup> Green's *History of England*, II-246, 293. Nicholls' *Narrative of the Reformation*, Camden Soc., p. 288. Strype's *Eccl. Mem.*, III-i-329.

<sup>120</sup> *Works*, p. 626.

<sup>121</sup> This Bill was prior to that of 1 Eliz. c. 2, which was introduced April 18.—Swainson's *Historical Inquiry*, p. 9.

<sup>122</sup> Strype's *Annals*, I-97.

<sup>123</sup> *S. P. Spanish*, I-66.

<sup>124</sup> Strype's *Grindal*, p. 35.

<sup>125</sup> *Zurich Letters*, I-29.

<sup>126</sup> *S. P. Eliz. Foreign*, p. 287.

book of 1552.<sup>127</sup> So far from "dying with the King," the book of 1552 is historically and legally identified with the present Prayer Book, so that the "Conference held at 'All Saints', Margaret Street, on Ritual Conformity," complain *now* of the need of "revoking the alterations 'made at the revision of 1552.'" (p. 37, Edition 1882.) The Rev. J. (afterwards Dean) Oakley was not alone in his teaching of "History." Dean Cowie, Prolocutor of York Convocation, told the Commissioners (Q. 4497) that "the 'Act of Uniformity was submitted to Convocation before 'it was agreed to by Parliament ;' and 'thought' the 25 H. VIII, c. 19 (which appointed the King in Chancery as the Court of Appeal) 'said the spirituality.'" (Q. 4527.) When Abp. Tait suggested to him that he was muddling up two separate Acts, the Dean replied (Q. 4528) : "I am 'not acquainted with that,' viz., with the two Acts specifically named as the basis of the inquiry in the Royal Commission. Again, Canon Wilkinson (now Bishop of St. Andrew's) 'always understood' that the Reformation Statutes were 'submitted to Convocation.'" (Q. 1840.) And the Rev. Malcolm McColl ingeniously suggested that the Advertisements described in the 24th canon as "published anno 7 Eliz.," may have been the Royal Injunctions of 1559. (Q. 6552-6.) Such is the spiritual wisdom<sup>128</sup> to be gained by listening to persons who *have* "Theological Competence."

Each of these Acts of Uniformity authorizes the Bishops to "excommunicate" and inflict "censures of the Church" by "authority of Parliament." The Commissioners most unjustly describe "the total destruction of discipline which 'marked the policy of Edward'" (p. xxxiv) ; forgetting that Dr. Stubbs had spoken of "the measures for the reform 'of discipline contemplated by the King'" (p. 43) ; forgetting

<sup>127</sup> Swainson's *History of the Act of Uniformity*, p. 11.

<sup>128</sup> "A supernatural wisdom for deliberation" is "developed from the Gift of Ordination."—Rev. J. H. Blunt, *Dublin Congress Report*, 266.



that the Statute book shows (like the King's diary) his active solicitude; and that "discipline" was, in fact, more vigorous than in the reign of Victoria, though thanks to the long reign of Popery, the morals of the people and the learning of the clergy were immeasurably lower. The Historical Appendix enumerates the *repealed* Statutes of Edward (p. 43), but omits to point out how many were *revived*. The following is the list:—

1 Ed. VI, c. 1, revived by 1 Eliz. c. 1.

1 Ed. VI, c. 2, " " 1 Jas. I, c. 25.

2 and 3 Ed. VI, c. 1. The "Authority of Parliament" referred to in the Ornaments' Rubric. This Act was never revived.

2 and 3 Ed. VI, c. 21, revived by 1 Jas. I, c. 25.

3 and 4 Ed. VI, c. 10, revived by 1 Jas. I, c. 25.

3 and 4 Ed. VI, c. 12, Ordinal of 1550, expired in 1552.

5 and 6 Ed. VI, c. 1: the Prayer Book annexed to this Act was expressly re-enacted by 1 Eliz. c. 2 which is still PART OF the Prayer Book of 1662, being subscribed by Convocation, and printed in the "Sealed Books" and numbered in the "Table of Contents," though often now omitted illegally by printers.

5 and 6 Ed. VI, c. 3, abolishing black letter days, revived by 1 Jas. I, c. 25; even under Elizabeth it had been recognized as the standard of observance by the Advertisements of 1566, and was adopted thence into the Canons of 1571.<sup>129</sup>

5 and 6 Ed. VI, c. 12, revived by 1 Jas. I, c. 25, sec. 50.

### 1 Eliz. c. 1.

(Passed April 29, received Royal Assent May 8, 1559,  
p. 224.)

*"Restoring to the Crown the ancient jurisdiction over the  
Estate spiritual."*

Here we reach the "Ultimate Settlement," as the Commissioners call it. (p. xxxii.)

"The Statutes passed in her first Parliament are remarkable for  
"their comprehensive, as well as their permanent character, embracing  
"the whole subject of the Ecclesiastical Constitution, and remaining

<sup>129</sup> Cardwell, *Synodalia*, p. 124.

“in all but one important matter, practically in force until the present century.” (p. xxxiv.)

Now, how do the Commissioners deal with this “language of the statute?”

First, they represent (p. xxxv) the standard of Heresy (imposed by lay authority) in Section 20, as being “Holy Scripture, or the first four General Councils, or by other General Councils on the authority of Scripture.” In this they follow Dr. Stubbs. (p. 44-ii.) But the “language of the Statute” is quite different; it specifies “such as *heretofore have been adjudged*” by the two first-named authorities: while the third is restricted to those matters “wherein the same *was* declared heresy by the “EXPRESS AND PLAIN WORDS of” Scripture. This alteration is not unimportant when we remember that “General Councils have erred in things pertaining unto God” (Art. xxi); and when we notice in the Analytical Index, pp. 123 to 131, the notions of Canon Liddon (Q. 7380), and of Rev. B. Compton (Q. 2776) who proposes to go “outside the formularies,” which “are altogether insufficient to determine a question of doctrine;” preferring the “common law of the Church” to enforce *ex. gr.* “the mixed Chalice.” (Qq. 2775-2784.)

Moreover, as Bp. Fitzgerald points out, “The words “are negative. They do not require that everything “which fulfils these conditions should be reputed heresy: “but that nothing which failed to fulfil them should be “so reputed.”<sup>130</sup> And it should be remembered that the entire section was repealed in 1640.<sup>131</sup>

The corresponding Irish Act of 1560 *omitted* the reference to Convocation.

The *Reformatio Legum*, published in 1571, after stating that great deference is due to the Œcumenical Councils, adds “to which, however, we deem that our faith is bound “no otherwise than so far as they may be proved out of

<sup>130</sup> *Charge*, 1867, p. 23.

<sup>131</sup> Stephens' *Eccl. Statutes*, p. 361.

“the Holy Scriptures. For it is manifest that some  
“Councils have at times erred, and have defined things  
“contrary to one another, partly in legal acts, partly even  
“in matters of faith.”<sup>132</sup>

Evidently the Commissioners (p. xxxv) following Dr. Stubbs (p. 44), cannot bring themselves to quote “the language of the statute.” (See Sec. 8, p. 225.) Dr. Stubbs substitutes “&c. &c.” for the obnoxious words which the Commissioners simply omit; indeed so painfully “Erastian” was the language of the first Commission issued by Elizabeth, that Dr. Stubbs imperfectly quotes both it and “the exact words of the statute,” which he professes to give. (p. 49.) Both those documents, *locis citatis*, speak of “heresies, errors, and enormities spiritual and ecclesiastical.” Still stronger is the language of the Commission to the Royal Visitors, June 24, 1559 (also omitted), which authorized the thirteen laymen and one clergyman therein-named to punish by “ecclesiastical “censures, deprivation, sequestration,” &c.<sup>133</sup> Mr. Gladstone<sup>134</sup> justly says that “the words of 26 H. VIII. c. 1, “are certainly *not* larger” than those of 1 Eliz. c. 1. (See above p. 35, and note there the 2 Eliz. c. 1, Ireland.) Archd. Hale<sup>135</sup> says “it enlarged rather than narrowed “the authority of the Sovereign,” and instances that “Schisms” overlooked in 26 H. VIII, c. 1, were specified in 1 Eliz. c. 2.

King Henry had carefully explained the limited sense in which alone he claimed to be head of the clergy, who were then styled the “Church.” (See p. 35-ii.) King Edward had used almost the very words of the *Reformatio Legum* in the Commissions made out to Cranmer and Bonner,—

“Omnis juris dicendi auctoritas atque etiam jurisdictio omnimoda.

<sup>132</sup> *De Summā Trinitate*, c. 14.

<sup>133</sup> Card., *Doc. An.*, I-219.

<sup>134</sup> *Roy. Suprem.*, p. 15, n.

<sup>135</sup> *Supremacy of the Crown*, p. 13.



" tam illa quæ ecclesiastica dicitur, quam secularis, a regiâ potestate  
 " velut a supremo capite, primitus emanaverit." <sup>136</sup>

But then he adds :—

" Præter et ultra ea quæ tibi ex sacris literis divinitus commissæ," <sup>137</sup>  
*i.e.*, the " power of order."

Queen Elizabeth chose to avoid the title of " head " as being open to misconception ; she chose that of " Supreme Governor," which expresses the idea of jurisdiction still better, and which had been used by Henry in 1543, when he said : " As Christ is the Head of the Universal Church, " so kings be Head Governors under Him in particular " Churches." (p. 37-i.) This, as Parkhurst wrote (May 21, 1559) to Bullinger, " amounts to the same thing." <sup>138</sup> In her official explanation appended to her Injunctions of 1559, Elizabeth claimed the self-same authority which was "*lately used* by the said noble Kings of famous " memory, King Henry VIII and King Edward VI." The Act (5 Eliz. c. 1) 1562 provides that the Oath of Allegiance shall be " expounded " by this Admonition. Down to 1688 every clergyman had to swear, under this Act, to " assist and defend all jurisdictions, granted or belonging, " or united and annexed to the Crown ; " and the statute 8 Eliz. c. 1, sec. 2, expressly identifies it as " the *same* " jurisdiction " enjoyed by Ed. VI." <sup>139</sup> Dr. Stubbs omits to note that Convocation had, on February 28, 1558-9, addressed the Crown, asserting that " an authority for " debating and settling those things which belong to faith " and the sacraments and discipline of the Church, is a " privilege which has always belonged, and ought to belong

<sup>136</sup> " All authority of declaring ' jus ' and also jurisdiction of every " kind, as well that which is called ' Ecclesiastical ' as secular, origi-  
 " nally flowed from the Royal power as from the supreme head."

<sup>137</sup> " Beside and beyond those things which have been Divinely com-  
 " mitted to thee by the Sacred Scriptures ; " *of which* " jurisdiction " *was NOT one.*

<sup>138</sup> *Zurich Letters*, I-29, compare Bright, Q. 5452.

<sup>139</sup> Stephens, pp. 406, 417.

"to the hierarchy and not to the laity."<sup>140</sup> The two Universities, *although they then recognised the Papal supremacy*, declined to subscribe this, and Parliament replied by enacting this Statute (1 Eliz. c. 1), which, like the Act of Uniformity (1 Eliz. c. 2), was passed in despite of the adverse votes of every "spiritual" member of the Legislature.

The latter Act it will be noticed, runs only in the name of "the Lords [*Temporal*] and Commons, *sec. 3.*" (p. 230.)

### 13 Eliz. c. 12.

(*Imposing subscription to the Thirty-nine Articles, introduced in the Commons April 7. Passed May 29, 1571.*)

The "legal" and "constitutional" history of this Statute, which imposes clerical subscription, "voids" "dispensations and promotions," and imposes the penalty of "deprivation" by the sole authority of Parliament, is completely concealed. (p. 145.)

"The Report does just mention it, at p. xxxv, among "a number of superseded or immaterial Acts, and not "by its title. Convocation had nothing to do with that "Act, nor with any other having reference to judicature."<sup>141</sup> Yet it was the turning point of the long struggle between Parliament and Elizabeth, in which the former came out victorious. Canon Swainson in his *History of Article XXIX* supplies many of the suppressed passages, as for instance, p. 18, Mr. Norton's motion

"Against the shameful and most hateful usage among the Ecclesiastical Judges for delivering of clerks convicted upon their oaths and "the manifest perjury" thus occasioned "by *their* law against the "law." Whereupon "the whole House resolved to take care for "redress."

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<sup>140</sup> Collier, VI-206.

<sup>141</sup> *Letter to Archbishop of York*, by Sir Edmund Beckett, Bart. q.c., LL.D., now Lord Grimthorpe (Murray), 1883, p. 16.

This is given, as on April 14, by D'Ewes (p. 167), from whom Dr. Stubbs is quoting *loco citato*. Dr. Stubbs mentions the Queen's direction "not to have the same "dealt with by Parliament" (p. 145); but he forgets to state that the Commons, who had already read their Bill the third time (April 30) before the Queen's message arrived (May 1), read it a *fourth* time<sup>142</sup> upon May 3, and then sent it up to the Lords in answer to the Queen's challenge.<sup>143</sup> The Queen had to give her Royal Assent just four weeks after sending the above-named message, which alone<sup>144</sup> Dr. Stubbs chronicles. He mentions that Wentworth was imprisoned (he forgot to add, illegally) by the Queen. The following extracts from Wentworth's speech would have illustrated the subject:—

"I have heard of old Parliament men that the banishment of the "Pope and Popery, and the restoring of true religion had their "beginning from this House and not from the Bishops; and I have "heard that few laws for religion had their beginning from them."

He went on to say that Abp. Parker had urged<sup>145</sup> upon the deputation from the Commons of which Wentworth was spokesman:—

"'Surely, you will refer yourselves wholly to us therein?' 'No, by "the faith I bear to God,' said I, 'we will pass nothing before we "understand what it is; for that were to make you Popes; make you "Popes who list,' said I, 'for we will make you none.'"<sup>146</sup>

The Commons had sent up a similar measure in 1556, which "was stayed in the House of Lords by the Queen's "command, at the instance of the Catholics, supported by "the Spanish Ambassador."<sup>147</sup> But the long-suffering

<sup>142</sup> See Bennet's *Essay on the Thirty-Nine Articles*, p. 384.

<sup>143</sup> Swainson, p. 21.

<sup>144</sup> Mr. Joyce, *Sword and Keys* (p. 139), similarly quotes the Queen's message, and suppresses the result.

<sup>145</sup> Compare *Parker Correspondence*, p. 419.

<sup>146</sup> Swainson, p. 26.

<sup>147</sup> Droop's *Edwardian Vestments*, p. 23.



Commons then, as now, felt that upon Parliament rested the double duty of representing lay-resistance to sacerdotal pretensions, and popular resistance to arbitrary despotism. As Dr. Lamb, the Master of Corpus, in his *History of the Thirty-nine Articles* observes (p. 25), "this seems to have been the first successful resistance made by the constitutional party in the House of Commons to that arbitrary authority in Church matters which Henry VIII first assumed, and to preserve which his daughter Elizabeth was peculiarly anxious. Hence, she interpolated into the 20th Article the words 'the Church hath power to decree rites and ceremonies and authority in controversies of faith,' which was equivalent to declaring herself 'the sole director of her subjects' faith.'" <sup>148</sup> For, as Lord Audley told Bp. Gardiner, "you Bishops would enter in with the King, and by means of his Supremacy order the laws as ye listed."<sup>149</sup> This Tudor-Stuart theory of a royal Pope (even though secretly wire-pulled by a courtier prelate) is not the "constitutional theory of the Royal Supremacy," which in the Church as in the State [thanks to the "advice and consent" of Parliament] has been reduced to a personification of the Supremacy of Law "over all persons and in all causes."

No review of the theories of Dr. Stubbs would be complete without a brief notice of his share in the Resolutions upon which the Report was based. (Vol. I, pp. 11-17.) It was he who moved (March 8) that "the judicial authority resides in and PROCEEDS FROM the Bishop alone;" a statement completely at variance, as we have now seen with the "legal history" of the Courts "as created or modified under the Reformation Statutes, and any subsequent Statute." He, too, seconded the Resolution moved by a Bishop that a Bishop's "assessor" should be without "voice in any decision." He it was who moved that "The Commissioners think it very

<sup>148</sup> Lamb, p. 39.

<sup>149</sup> Froude, *Hist. Eng.*, Vol. II, p. 291.

“questionable whether the past history of the Church of England affords any materials which could be satisfactorily used to furnish precedent *or principle* for such a proceeding” [as the trial of a Bishop]; which being carried (in despite of “historic continuity” and of “legal history”) did effectually render nugatory the previous Resolution that the scheme of the Commissioners should “make provision for compelling obedience on the part of Bishops to the law.” (p. 17-i.) Hence the Bishops in their “Eccl. Procedure Bill” have left themselves outside its disciplinary provisions.

But his choicest effort was an attempt to destroy the Lay Court of Appeal by moving (p. 13-ii) an amendment which imported three things :—

*First.*—That the appeal should not be on the merits of the case, but only “for lack of justice,” a phrase to which he endeavours to fasten the meaning of—only from a failure in procedure or an exceeding the province of the Spiritual Court. So much importance was justly attached to this, that on Canon Stubbs’ amendment breaking down, another amendment was immediately moved to insert the words “for lack of justice.” On this point a great struggle took place, as is shown by the closeness of the division, but at the next meeting it was carried by the lawyers “that all appeals shall be by way of *rehcaring* of “the *matters* appealed against.” (p. 14-ii.) This sets at rest the pretence (of which we shall doubtless hear more hereafter) that the *Appel comme d’abus* is what the Commissioners intended. (*See above, p. 61.*)

*Second.*—He proposed to borrow from the old Court of Delegates as described at p. 183-ii, their cumbrous and round-about method of petitioning the Crown in Council to refer it to the Lord Chancellor to report to the Council whether “on consideration” he would hear Counsel to decide whether in his individual opinion the cause was “so important that it is fit to be heard and determined in “a most solemn manner.” (*sic.*) Probably the learned

Professor had been attracted to this particular precedent by reading in Mr. Rothery's Return (p. 187), that—

“The large number of appeals which seem to have been abandoned or discontinued was no doubt owing to the peculiar facilities for prosecuting the litigation which the nature of the procedure offered.”<sup>150</sup>

Yet he finds fault with the Delegates for never having really “considered” “whether it were EXPEDIENT that “appeals should be permitted.” (p. 47-ii.) This “expedency” he thinks could be judged of by the Privy Council, whose dealing with appeals is supposed to be “dictated “by policy.” (Report, p. v.)

*Third.*—He urged that the Bishops should be “recognized as a Court of Doctrine” to decide those points which the Lord Chancellor should tell them were “spiritual law.” This would be, as Abp. Tait said, to constitute the Bishops, “a sort of General Council in “commission, to make new laws according to the “Church’s emergencies.”<sup>151</sup>

<sup>150</sup> *The Edinburgh Review* in an article by Abp. Thomson, February, 1884 (see *Times*, February 27, 1899), thus enumerates the “remedies” provided by the new Scheme against a man “guilty of contempt of “Court.” The unhappy prosecutor, probably a Bishop, must do the following things:—1. He must get the Court to pronounce a sentence; 2. He must show that the sentence is disobeyed, and pray for suspension for a certain term; then, 3. He must watch the close of that suspension, and see if he is still in contempt, and then procure a second sentence of suspension; after which, 4. He must still watch for the fresh disobedience, and pray a sentence of suspension until obedience is rendered; and, 5. He must ask the Court to consider whether “the “case requires” that he should be “deprived by summary process.” Summary process! this Report deals in ironical expressions. At every one of these five stages the poor prosecutor must appear by counsel; and at each of them there may be, and at the last of them—or the deprivation—there will almost certainly be, all the cost and risk of a fresh trial. Wearied and impoverished, he will probably relinquish the contest long before the end; and the manifest intention to defer as long as possible the final step of deprivation will be realized.

<sup>151</sup> Brod. and Fremantle, Pref. xvii.



Dr. Stubbs' amendment was lost, whereupon the Earl of Devon, M.E.C.U., moved, and the Bishop of Oxford, Dr. Mackarness, late M.E.C.U., seconded that—

"The opinion of the Archbishops and Bishops . . . shall be taken "by the Court as *conclusive* evidence of the doctrine and view of the "Church of England."

Four persons (presumably the same "four") voted for each of these propositions, which, being rejected, make it clear that the Commissioners did not make the reference to the Bishops proposed in their Report *binding* upon the Lay Court of Appeal.

But Dr. Stubbs' amendments were all in perfect harmony with the tone of his *Draft Report*; and the Commissioners in striking out a sentence here or there, still left intact the context which implies and pre-supposes that a jurisdiction over baptized persons ought to be exercised by Priests in the "Courts of the Church" [clergy?] "*as distinguished from the State.*" (Report p. vi.)

## CHAPTER V.

### THE RECOMMENDATIONS OF THE COMMISSIONERS AND THE ARCHBISHOPS' BILL.

IN certain of its features the new Bill departs from the scheme put forth by the Royal Commission. In one respect, the new measure is the less faulty, inasmuch as it does not propose to degrade the qualifications of the judges in the Supreme Court. On the other hand, it proposes to make the Archbishop sit personally *instead of* the Dean of the Arches, whenever he prefers to do so (sec. v-3); it withdraws from the Diocesan the power of sending a suit direct for trial to the Arches, even though both parties may wish it. It provides that the Bishop may postpone the giving of sentence, and even direct a re-hearing by *his own* Court! (sec. iv-2 and 3.) All these new proposals are evidently calculated to add to the delay and expense, and are in favour of the law-breaker. The Bishop's veto is expressly declared to be "Final." (sec. ii-3.) The old plan of a *rota* is borrowed from the Delegates' Court, as is also the permission to give judgment *without assigning any reasons*.\* (sec. vii-7.) The defendant, *i.e.*, the law-breaker, need not find security for costs; but the complainant must give security before he can appeal to the Crown, and he (alone) may be subjected to other restrictions to be "prescribed." (sec. vi-1.) But the novel provision for ensuring interminable delay and for paralysing the Privy Council is that "where any specific question touching submission to the Archbishops or Bishops or "a particular point of doctrine or ritual is in controversy," that is in every suit of real importance, "such questions "shall be referred to an assembly of the Archbishops and

\* See below, pp. 116, 117.

"Bishops of both provinces," who "may adjourn from "time to time and from place to place" and "hear "arguments and opinions." (sec. viii.) Thus the Privy Council would become merely a Registration Court for the findings of a majority of the Prelates who would vote (as in Parliament) in favour of their own order and their own predilections. Every important suit might thus consume years of time, and give rise to prolonged agitation. (*See the opinion of Archbishop Tait given below, p. 118.*)

But, as in other details, the Bill is professedly founded on the Report, and as the Report may hereafter become the quarry from which fresh schemes may be dug out, it may be well to consider separately on their own merits the recommendations of the Commissioners.

On one point only was there absolute unanimity, viz., in condemning the "working" of the existing Courts. It was described (pp. v, vii), as "complex, slow, inordinately "expensive," needing "extensive reforms," "antiquated, "cumbersome, unsuited to the requirements of the present "day," "occult and complex," and involving "enormous "costs and grave delays." Such, it seems, is the price we have been paying for "historic continuity." It was agreed that the "criminal" form given by mediæval precedents (p. xxiv) to all proceedings as to doctrine and ritual, enabled the accused Ritualist or Heretic to "take "advantage of every slip," and led to "substantial "injustice." (p. vii.)

That a fund ought to be provided to enable Bishops to proceed against immoral clerks was also agreed upon (pp. vii and lvi): and an almost equal consensus voted down the preliminary inquiry under the Church Discipline Act, 1840. (pp. vii and lix.) Two features borrowed from the Public Worship Act, though devoid of "historic continuity," met general acceptance, viz., the qualification of the individual judges (p. lvii, bottom), and the power to make rules and orders. (p. lix.) Above



all, the principle laid down by the Commissioners that "the pleading and procedure in all the Courts in contentious cases shall follow as near as may be the practice and procedure of the Supreme Court of Judicature in civil cases" was of the utmost value. The Commissioners held that there is no foundation in "legal history," for the theory that Convocation is, or ought to be, the "Court" for the trial of heretics. (pp. xxix, xxxvii.) They examined and rejected the dictum on this head, of Lord Coke (p. xxxvii), and adopted the teaching of Mr. Droop (Q. 2591), who is followed here by Dr. Stubbs. (p. 45-ii.) A glance at the "theories of 'spiritual' Courts" in the Index (page 126) will show that no point was more insisted upon by witnesses, or more contested than this. The rejection of Synods in favour of Courts logically carries with it the rejection of any trial of dogma, *as such*, and the substitution of the doctrine of "civil contract"; inasmuch as "Courts" are standards of "law," not of orthodoxy: while it was expressly urged by the advocates of Synods, that Synods are legislative bodies capable of altering the standard from time to time, so as to fit the case of the accused.<sup>1</sup>

Unfortunately, the above enumeration exhausts the valuable features of the Report. For, the confusion above complained of (in chapter ii) as to the meaning of "spiritual jurisdiction," is intensified by a perverse misuse, throughout the Report, of the word "Church." For instance, on the very first page the Commissioners speak of the Judicial Committee as a "lay tribunal" capable of disregarding the "voice of the Church," which they explain to mean the Episcopal Assessors. So, on p. xxii, they speak of the ancient historical principle in spiritual jurisdiction that "the Church should dispose<sup>2</sup> of "the goods of an intestate for the benefit of his soul."

<sup>1</sup> See Liddon, Qq. 7370-7380, and Littledale, Q. 4923, compared with Q. 5342.

<sup>2</sup> Stubbs *Charters*, p. 300. *Magna Carta*, sec. 27.

(p. xxiii.) So Dr. Stubbs had spoken in the "Draft Report" (p. 28-ii) of "the jurisdiction OVER LAYMEN as "a part and result of the *visitatorial* and penitential "discipline of the Church;" and the Prolocutor of Canterbury Convocation had complained of "the laity "acting in a harsh way as regards the Church." (Q. 4400.)

The reader of the Report is irresistibly reminded of the saying of Coleridge, the poet-philosopher:

"I soon discover that by the 'Church' they mean the clergy "exclusively, and then I fly off from them in a tangent, for it is this "very interpretation of the Church, that according to my conviction, "constituted the first and most fundamental apostasy."<sup>3</sup>

A more complete inversion of the Scriptural use of the word could not be. The word "Ecclesia" employed by our LORD (in the passage relied upon as the foundation of spiritual jurisdiction, viz., St. Matt. xviii-17) was borrowed from the Septuagint version<sup>4</sup> of the Old Testament, where it is used some seventy times for the "congregation," but never as the name of an assembly of priests. It was the current name of a democratic political assembly in which the Greek Republics transacted their common affairs. As such, it is used in Acts xix-32, 39.

To the "Ecclesia" all free citizens were of right convoked<sup>5</sup>—hence the etymology of the word—an assembly "called out" as if by the common crier. In the New Testament it is never used of the ministry as distinguished from the laity, while it is used of the laity as distinguished from the "Apostles and elders," Acts xv-4, 22, 23, compare viii-1. Unhappily, the word "congregation" used by Tyndale in his translation of the New Testament, and some thirty times in the Prayer Book up to the last revision in 1661, was, for polemical reasons, changed into

<sup>3</sup> *Literary Remains*, III, p. 386.

<sup>4</sup> Girdlestone's *Old Testament Synonyms*, pp. 234-7.

<sup>5</sup> Trench's *Synonyms of the New Test.*, p. 1.

the word "Church," the etymology of which has no point of contact with the scriptural word "Ecclesia." Hence, even Royal Commissioners can speak of the "Church" *in contrast with* the "Laity," who, as the late Rev. W. Milton told the Commissioners, "ARE the "holy Church." (Q. 1470.) Hence, they bring themselves—in spite of the evidence—to say (p. vi)—

"There were but few dissentients from the view," that the presence of Bishops presiding in person in their own Courts, "would command "obedience which *would be* and had been refused to LAY officials."

This finding was after taking evidence that Mr. Mac-konochie (Qq. 3438, 3450), Mr. Bodington (Q. 4126), and Mr. Green (Q. 5975) had *in fact* rejected this very "personal" Court; that Mr. Edwards appealed to a Jew in the Prestbury case (Q. 4292); that in the Denison case a Court presided over by the Primate and constituted just as the Commissioners now recommend, was appealed against to the Privy Council, so that the Archdeacon retained his living in despite of a sentence pronounced by a "Spiritual Court," which the sanguine Commissioners say "*would be* obeyed;" lastly, that in the Gorham case the finding of the two Archbishops is rejected by the priest-party in favour of that of the lay-delegate, Sir Herbert Jenner Fust. (Qq. 2234, 2329.) In the Exeter reredos case, too, the Commissioners were reminded by Sir R. Phillimore that the Bishop of Exeter, sitting with his legal assessor, was appealed against successfully to the Privy Council. (Q. 3099.) The Commissioners wisely forbore to ask the witnesses whether the laity were likely to be satisfied with merely clerical judges, else they might have elicited replies like that of King Henry VIII—

"There is nothing that the clergy might through dread and affection so well be deceived in, as in things concerning the honour, dignity, "power, liberty, *jurisdiction* and riches of the Bishops and clergy: "and some of them have of likelihood been deceived therein."<sup>6</sup>

<sup>6</sup> Froude, II-220.



There is, in fact (as Sam Slick said), "a great deal of "human nature in" spiritual persons. When, therefore, the Rev. G. Body claimed to be provided with a Court "holding credentials which are not simply of man" (Qq. 3570, 3649), something more would be needed to satisfy his ideal than the "personal" sitting of a Bishop in Court.

In the Scotch Episcopal Church, as Bp. Chas. Wordsworth wrote to *The Times* of April 11th, 1877—

"The Supreme Court of Appeal is a *purely spiritual* tribunal, "consisting of the Episcopal Synod—that is of the entire body of our "bishops, and of bishops *only*—with a lay assessor, generally an "advocate of the Court of Session, who acts as our legal adviser. "Moreover, our bishops are all chosen, not by the Crown or Prime "Minister, but by the clergy and laity of the diocese over which they "severally preside. Whenever the spiritual tribunal has had occasion "to judge and to condemn the teaching (*received from England*) of "the new High Church party—as it did in 1858 and again in 1861—"its decisions, though substantially unanimous, so far from being "received in the dutiful spirit the people of England are now told "they might expect to see, if only the Church had a Court of Appeal "properly constituted, excited no less dissatisfaction on the part of "those whose teaching fell under the condemnation, and were assailed "with no less violence by a portion of the Church press than even "the much-abused Purchas judgment, or any other judgment "that has been given by the Judicial Committee of the Privy "Council."

Similar testimony comes from Ireland. Dr. MacDonnell, formerly Dean of Cashel, wrote to *The Guardian*, pointing out that the same school of clergy who are insubordinate in England sheltered "behind a saving clause in the Irish "Church Act (s. 20), and thereby held themselves free "to disobey the laws for the regulation of public worship "enacted by their own synod. These clergymen "refused to be bound by their Church's laws so "long as they could lean upon an *Act of Parliament* for "immunity."

Another grave defect in the Report as to the "working" of the Ecclesiastical Courts consists in the Commissioners

not having considered the anomalous condition of the "law" administered by these Courts. Every mediæval Canon, Constitution, or custom which a Spiritual Judge may hold to have *not* been contrary to Royal Prerogative, Statute, or Common Law might be enforced by clerical judges as "law" in those lurking places of "historic continuity." Sir R. Phillimore, as Dean of the Arches, laid it down in *Martin v. Mackonochie* that the "Constitutions contained in Lyndwood are still binding upon the Church of this Realm;" and he devoted twenty-three pages of his Judgment to maintaining the "identity of the status of the Church before and after the Reformation," as a basis for his decision in favour of altar lights.<sup>7</sup> As a Royal Commissioner he urged that "there should be no appeal from the Arches Court."<sup>8</sup> As a text-writer, he says, "Prohibition ought not to be granted where the Spiritual Court proceeds according to *its own* rules and *Canons* in a matter triable before it."<sup>9</sup> A Bishop may prosecute *ex mero motu* any of his clergy for "neglect of duty" (p. lv—whatever that elastic phrase may be construed by a "personal" court to mean); and he may obtain his expenses for doing this from "some public source." (p. lvi.)

Supposing, then, that an Archbishop sitting in person should confirm the judgment of the Bishop sitting in person, each of them, it may be, acting upon his individual judgment in opposition to the advice of his assessors (see p. lviii), and in reliance upon some pre-Reformation precedent or clerical edict, what protection could the poor parson or layman find save in a strong Court of Appeal? In the absence of such a corrective, we cannot doubt that there would grow up a craving for "historic continuity" with a revival of those superstitions which moulded so many ancient

<sup>7</sup> Phillimore's Report, pp. 30-53.

<sup>8</sup> Report, p. lxiii.

<sup>9</sup> Phill., *Eccl. Law*, p. 1440.

Canons.<sup>10</sup> Rev. B. Compton (examined at the special request of Sir R. Phillimore, p. 3-i) tells us that by the "common law of the Church" the laity would be "compelled to receive the mixed chalice" (Q. 2784), and a clergyman might be tried for "conduct unbecoming a Priest." (Q. 2744.) Chancellor Phillimore (Q. 1911) and Mr. Mackonochie (Q. 6132), tell us that the Bishops *must* be elected; so that the personal judge may be the mouth-piece of the dominant majority among the clergy. *Væ victis!* The Bishop who decides against the majority will do so "at his own peril." (Rev. B. Compton, Q. 2814.)

The Discipline of the Laity, which Chancellor Phillimore and the Hon. C. L. Wood (*see* Index, "Laity")

<sup>10</sup> The Rev. T. W. Perry, formerly a member of the Royal Commission on Ritual, and of the Council of the English Church Union, published in 1857 a selection of ancient Canons still in force. From the Canons of Archbishop Walter, A.D. 1195, he selects this one—"A priest may not celebrate mass twice a day, unless the necessity be urgent. When he does, let nothing be poured into the chalice after the receiving of the Blood at the first celebration; but let the least drops be diligently supped out of the chalice, and the fingers sucked or licked with the tongue and washed, and the washings kept in a clean vessel to be had for this purpose; which washings are to be drunk after the *second* celebration." (The water, *not being transubstantiated*, might otherwise break the priest's fast.) Mr. Perry adds, in a parallel column, this note—"All these laws are still in force, and might be a most useful and very practical guide to the clergy of the Church of England." (*Lawful Church Ornaments*, p. 478.) Of a similar Canon of Archbishop Langton's, A.D. 1222, Mr. Perry says (p. 477), "neither of these three canons has ever been repealed; they are entirely in consonance with the whole spirit and letter of the Prayer Book, excepting the last clause of No. 6, to which we have no equivalent direction; the object of it was to prevent a priest, who had to celebrate twice, from breaking his fast (as he was held to do) by consuming the rinsings of the chalice *after* his *first* celebration; but the difficulty probably does not often occur with us, and when it does, *the Canon is easy of application*." On Archbishop Lanfranc's Canon, A.D. 1071, "Of Altars that they be of stone," Mr. Perry adds, "Never repealed." (*Lawful Church Ornaments*, p. 471.)



insist is the "proper" business of an Ecclesiastical Court, was brought forward July 21st, 1881, and urged upon two subsequent occasions by Sir W. James, but ordered to "stand over." For, as Mr. Rothery says (p. 180-ii), it "would be repugnant to the ideas of the "present day." But this, as Mr. Gladstone says, "might be dealt with at an after time." "If," says *The Church Times*,<sup>11</sup> wistfully—

"If we had a clergy with coercive jurisdiction, so that the parson "could of right enter any house in his parish when he pleased, "summon all its inmates, from the father and mother to the youngest "child, examine them as to their faith and morals, and instruct or "rebuke them, as circumstances might seem to *him* to require. If "we had such a parochial system as that, it would, no doubt, argue "extreme folly to talk of giving it up."

There is a very suggestive mention on p. 165-i of the refusal by the Queen's Bench, in 1622, of a Prohibition in the case of a woman excommunicated for coming to be churched in her ordinary dress, because seven Bishops certified it to be the custom of the "Church" to wear a veil!!

Not a word had the Commissioners to say on the profane use of Excommunication to collect fees, or to punish some trivial offence against the monetary interests of the plaintiffs, or of the Court. Yet, who can doubt that its lavish employment has been a gross scandal? Canon Stubbs reminds us that King James suggested that excommunication might be "surrendered for some "other equivalent form of coercion" (p. 46-i); and Bp. Wilberforce's remark is surely worth pondering—

"Excommunication seems to me a dangerous, awkward, and, upon "the whole, an inefficient weapon.<sup>12</sup> I think nothing but difficulty "and entanglement ever came from excommunicating the Anti-Popes. "As long as they had a following their believers disregarded it; and

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<sup>11</sup> Leading Article, April 14, 1882.

<sup>12</sup> Compare Dr. Lushington's remarks on "Penance" in *Woods v. Woods*. (2 Curt., 529.)

"when the schism was healed it was an awkward fact to have to deal with. I do not remember that any of the excommunications were formally taken off, and yet, on the other hand, none, I think, were maintained in the long run." <sup>13</sup>

Such an excommunication as St. Paul describes, inflicted "by the majority," ὑπὸ τῶν πλειόνων (2 Cor. ii-6), who thus "put away from among themselves" (1 Cor. v-13) the offender, has nothing in common with a process in Court, which fails to carry conviction to any litigant's conscience, or to be ratified by the sense of the Christian community. Surely it is time that this profane travesty of sacred things should cease. All over Europe the attempt to "play Providence" over the morals of the laity has been abandoned as a failure and something worse. Dr. Stubbs tells us that King Henry VIII "made use of the anti-clerical feeling in the House of Commons." (p. 32.) He had previously told us, in his *Constitutional History* (Vol III, p. 523), how this anti-clerical feeling arose. It was—

"Especially the ever-spreading and rankling sore produced by the inquisitorial, mercenary, and generally disreputable character of the Courts of Spiritual Discipline, an evil which had no slight share in making the Reformation inevitable, and which outlived the Reformation, and did its worst in alienating the people from the Church reformed." <sup>14</sup>

Perhaps the learned Professor was mistaken here, since it may be that by adopting the recommendations of the Royal Commissioners of 1883, the "worst" has still to come. Those who yearn to see "Discipline of the laity" restored should study the *Reformatio Legum*,<sup>15</sup> which provides that some of the "ancients of the parish" should be associated with the minister: and in the "form of receiving penitents" the minister was to "ask the people whether they would grant his desires; who were to answer they would; then the pastor was to absolve," &c. This

<sup>13</sup> *Life of Wilberforce*, III-128.

<sup>14</sup> Compare Hale's *Supremacy of the Crown*, p. 18.

<sup>15</sup> See also Bp. Hooper's *Later Writings*, Parker Soc., p. 51.

was regarded in the sixteenth century as a return to "Church" principles as contrasted with sacerdotal autocracy, and it is on these lines, if at all, rather than in "Courts," and by "personal" judges that the "power of the keys" may be profitably exercised hereafter.

The argument pressed by the "Synod" party for having a purely clerical Court of Appeal, was that "judge-made law" might supplement or even supersede the tradition of the Church. But this consideration is evidently a reason for providing means of *legislating* for the Church, not a reason for confounding the functions of a judge with those of a legislator. If it be true that no suitable organ of legislating can be found, owing to Convocation having failed to gain the confidence of the laity, that does not warrant our trying to alter the law by means of *Courts* clericalized for that purpose. The very definition of tyranny has been said to be the union of legislative, executive, and judicial powers in the same person; yet this is precisely what the system of "personal" Courts involves.

Objections to the Commissioners' scheme may be conveniently discussed under its three heads of Diocesan, Arches, and Appeal Courts.

### I. THE BISHOP'S PERSONAL COURT

is objectionable for the following reasons:—

I.—Himself a clergyman, elderly, and in easy circumstances, who has to "live with" his clergy, the Bishop is described in the Report (p. xvii, xxiv) as the official "Protector<sup>16</sup> of the clergy;" but *laissez-faire* favouritism to the clergy is unfair to those from whom he "protects" them. Canon Trevor witnesses (Q. 7554) that there is "great ill-feeling at the Bishop hushing it up and letting

<sup>16</sup> Chancellor Espin's anecdote, in which a Commission reported that there was "no *prima facie* case," though the Spiritual Person had already been in gaol two months for an indecent assault (Q. 599), his second offence, illustrates the danger of professional bias.



"a man off." (See Qq. 4081 and 7644-9.) In some cases, again, the Bishop is the "Adviser" of the churchwardens and others who consult him, and who act, or decline to act, upon his advice; he is, therefore, manifestly unfit to sit afterwards as a "Judge" upon the results of that action.

He is *Inquisitor natus* (p. xxv)<sup>17</sup> and, as such, in cases of heresy and scandal both prosecutor and judge! He is administrator and chief Pastor in his diocese, and, as such (unless his mouth be unduly closed, and his action crippled), he must be known to have committed himself publicly on the very questions litigated before him. His real strength lies in the influence and persuasion which his character and position enable him to bring to bear, but this is at once destroyed by making him the executive officer of a coercive jurisdiction "residing" in his own breast. He is a law-maker for the Church, and as such ought not to be the judicial interpreter also. He is a hardworking, busy man, and as such, unable to be master of that chaotic system of archaic, obscure, and very questionable bye-laws which the scheme requires him to lay down with undivided responsibility.<sup>18</sup> For, though the assessors may be creatures of his own, chosen *pro hac vice*, so as to facilitate the particular decision wished for in each case, yet the dummy-assessor "has no voice in any decision."<sup>19</sup> (p. lviii.) These assessors, if Theologians, are already marked with stars and daggers in the *Clerical Directory* so as to ensure prejudice; while the lay-assessor is no longer to be necessarily the trained and irremovable Chancellor, but

<sup>17</sup> Abp. Courtney, "Legate of the Apostolic See," in 1382, tells the Bishops of his Province that "by the institution of the sacred Canons, "they be in their respective Dioceses, Inquisitors of heretical pravity." —Fuxe, III-24.

<sup>18</sup> See Judge Foster's reply to Bp. Gibson. *An Examination of the Scheme of Church Power*, 1735, pp. 55, 56.

<sup>19</sup> "An assessor who, after all, has only the privilege of being disregarded, stands in a very anomalous position," says Mr. B. Hope. (Q. 6350.)

may be some amateur lawyer who may be as ignorant of ecclesiastical law as the Bishop himself, but may also be known by the Bishop to share his own views. Dr. Stubbs actually claims (*see* 46-ii, answer 4 to question 4, p. 45-ii) that the Bishop is free from restraint by the precedents of *his own Court*! The Royal Commission of 1832 described the *forum domesticum* of the Diocesan as under "little restraint from the forms observed in contentious suits in Courts of Justice." (Report, p. 54.) Mr. Beresford Hope counts that the Bishops will agree upon a "code" and "work it according to their discretion." (Q. 6432.) The legal assessor may be changed at discretion from case to case *pro hac vice*. (p. lv.) Such a Court among secular persons would be called a "packed" one.<sup>20</sup>

II.—The "personal" Court has been already tried and found wanting. The reason assigned by the antiquarian witnesses for the appointment of lay-commissaries is that the "Archbishops and Bishops" (who were at that time more numerous in proportion to the population) "had so much to do" that the Archdeacon's Court became the more popular, since the Archdeacon could be chosen for his knowledge of Church law, and had leisure to administer it.

"They were generally kept in deacon's orders in order that sacerdotal hands might not be soiled with the questionable matter that was brought before them."

says Dr. Stubbs. (p. 26, i.) The Bishops were compelled very early to appoint Chancellors lest all the business should leave their Courts. (Qq. 1282-4.) So early as A.D. 1303 this was the case in the diocese of London. (Q.3242.) Lord Grimthorpe tells us that the Bishop for ages had no power of sitting judicially, except through his Chancellor, until (in the year 1840) Bp. Philpotts slipped into the Church Discipline Act (the repeal of which is recom-

<sup>20</sup> So Bp. Wilberforce designated in the Denison case the very court which the Commissioners now recommend. (*Life*, II-327.)

mended by the Commissioners), a clause giving the Bishop power to sit *instead of* the Chancellor. (Q. 5634.) But this Act-of-Parliament-made Court, though both "personal" and "spiritual," has proved an utter failure; all parties give it the go-by in order to get into the Arches Court, where no Bishop sits. So again, under the Public Worship Regulation Act there is provision made for the decision of the suit by the Bishop sitting personally; but in not one of the nineteen representations under that Act has the clergyman consented to submit to this personal jurisdiction. (Qq. 4129 and 4482.) Mr. Mackonochie, Mr. Bodington, and Mr. Green (Q. 4182) are in evidence as having refused this spiritual and personal judge.<sup>21</sup> (*Supra*, p. 67.)

III.—The Royal Commission of 1830-2 (on which sat Archbishop Howley and Bps. Blomfield, Van Mildert, Kaye, Carey, and Bethel, with Chief Justice Tenterden, Chief Justice Tindal, Chief Baron Alexander, Sir John Nicholl, Dr. Lushington, and other distinguished judges and civilians) made a Report in two parts, from one of which considerable extracts are given in the report of the present Commission, Vol. I, pp. 194-207. Dr. Joseph Phillimore, the Chancellor of Oxford, gave evidence and made an excellent suggestion, viz., to retain the "voluntary" or consensual jurisdiction," *i.e.*, in plain English, the purely administrative and ministerial part of diocesan government, adding that "*it would be of infinite advantage that the contentious jurisdiction of all the diocesan Courts should be taken away.*" (Report, 1832, p. 152, Qq. 21, 23.) This would leave such matters as the grant of marriage licences, faculties, institutions to livings, &c., untouched. Moreover, it would be easy to graft upon it the suggestion

<sup>21</sup> Nor is such distrust at all new. Mr. Ffoulkes, the vicar of St. Mary the Virgin, Oxford, said he could cite numbers of mediæval Canons "where just the same language is used against the constitution of some of those courts in those days as was afterwards used in the Commission of 1830." (Q. 2271.)



of the Archbishop (Thomson) of York (p. lxi), viz., that with consent of both parties the Bishop might make an Order which should be binding, if not appealed against, until reversed. The same safeguard against collusion might be imposed as in "faculty" cases, and the Bishop's "discretion" be limited to points *not* already ruled by higher Courts. For, as Mr. Girdlestone excellently observed, "the Bishop "may and often does exercise benevolent and fatherly care ' . . . but when the parties have *got beyond fatherly treatment* "—when they appeal to justice, they are entitled to receive "justice according to *law*." (Q. 4080.) In other words, "spiritual" influence, *properly* so-called, ends where "law" and "Courts" begin. (Q. 6331.)

The Royal Commissioners of 1832 reported that "THE TRANSFERENCE TO THE PROVINCIAL COURTS OF THE JURISDICTION HITHERTO EXERCISED BY THE DIOCESAN COURTS, WOULD BE A GREAT IMPROVEMENT IN THE ADMINISTRATION OF ECCLESIASTICAL LAW."

In 1855 the late Dr. Stephens, under the direction of the Solicitor-General,<sup>22</sup> drafted a Bill for cutting down the fifty Diocesan Courts of England and Ireland to six. Dr. Tristram, the Chancellor of London and of Hereford, witnesses that "it would be more convenient that all "questions of doctrine should be determined, in the first "instance, in the Metropolitan Courts, also questions of "ritual, unless BOTH parties desire the trial to take place in "the Consistorial Court." (Q. 3321.) The reason assigned by the Royal Commissioners of 1832 (p. 199) was that it was then impracticable to get judges duly qualified, "with "a competent bar and skilful practitioners," for, the "emoluments of the judges and other officers and of practitioners in these Courts make it impossible in the greater "number of dioceses that efficient Courts can be maintained . . . from these considerations it appeared to us "advisable to recommend the *transfer of the whole con-*

<sup>22</sup> See *Correspondence upon the proposed Church Discipline and Registry Act*, 1855, with the Archbishop of Armagh.

*tentious jurisdiction* to "the Provincial Courts." The reasons which were powerful then are ten times more powerful now. (p. li.) All the testamentary and matrimonial suits have been since taken away from these Diocesan Courts: Doctor's Commons has been sold and the property divided.<sup>23</sup> (Q. 3194.) Hence some of the Priest-party advise that the clergy shall study canon law and practice at the bar of these Diocesan Courts, and for this purpose the chairs in canon law which were swept away on the passing of the Reformation Statue of 25 H. VIII, c. 19 (p. xxviii), are to be restored. (Qq. 3198, 6407.) These gentlemen forget that already by 33 and 34 Vic. c. 28, s. 20, an attorney or solicitor may practice as proctor in the Diocesan<sup>24</sup> Courts: and this circumstance, together with the recommendation before mentioned for assimilating procedure to that of the Supreme Court of Judicature, may possibly infuse into these Courts an uncanonical element of justice and common sense. If it were true that the numbers of the clergy are so much in excess of the work to be done, that it is desirable to find employment for the superfluous members of the profession, this plan of educating clerical canonists might deserve respectful consideration; but, on the other hand, there would have to be considered the danger to the clergy themselves of saturating their minds with a system of canon law which was formulated at a time when the most arrogant theocratic pretensions of the clergy found ready acceptance at the hands of an uneducated and semi-barbarous laity: when materialistic conceptions had obscured the very meaning of the word "spiritual;" when thaumaturgic powers were believed to be lodged in the hands of the priesthood; and when wholesale forgeries had been successfully employed

<sup>23</sup> "In the late financial year £55,809 16s 1d was paid to the officers of the *abolished* Ecclesiastical Courts."—*Times*, October 15, 1883. Such is the *value* of "historic continuity"? (Q. 4343.)

<sup>24</sup> By the Legal Practitioners' Act, 1876, this has been extended to the Provincial Courts.

as the basis of the received system of spiritual law.<sup>25</sup> An ingenious writer in *The Churchman* based his hopeful anticipation of a good effect upon the clergy from their study of law upon the idea that the national law of England would be the subject of their studies; but no two things can be more opposed in spirit than the National common law of a free people and the enslaving superstitions which found expression in "Canon Law." A very curious feature brought to light in the Report is the disparagement of the merely English "canons." (*See* p. xxxvi, *cf.* 144, 150.)<sup>26</sup> Doubtless it is hoped that under the ruling of clerical Judges "historic continuity" will supplement what is merely "insular" and "Anglican," by what is truly mediæval and "Catholic." (*sic.*)

IV.—But by far the gravest blot upon the scheme of the Commissioners is their proposal to give to individual Bishops the power of vetoing all proceedings at their individual "discretion." The most perfect system of simplified and codified law, and the best constituted Courts would be alike worthless if access to the portals of justice were to be thus barred. Reference to the Index under the head of "Veto" will show that the evidence of witnesses was all the other way. The witnesses who favoured the veto were unable to give any *evidence*, but substituted theories of what they supposed to be expedient. Instead of the clergy being surrounded, as was supposed, in every parish by loyal and enthusiastic supporters whose sympathy might be relied on beyond what is granted to members of any other profession, these witnesses drew a picture of the clergy as surrounded by cantankerous and malignant foes, against whom a Clerical "Judge" in the Diocesan Court was their natural protector. Lawyers and doctors know what it is to be prosecuted for mal-

<sup>25</sup> *See* Janus, chapter iii. Probably the earliest of these forgeries was the "Apostolic Constitutions." But forgery has always been a "Catholic practice."

<sup>26</sup> *See* also above p. 23.



practice by unscrupulous and worthless people, who try to extort money; and no one has yet proposed to "protect" them by giving a veto upon proceedings to the heads of those professions. Yet if a Royal Commission could be got to listen to such proposals, no doubt many professional "witnesses" could be found who would urge upon them theories of this kind. In the "Church" alone, "Martyrdom" *pays*. The veto is unknown in the Isle of Man (Q. 6717), where ecclesiastical suits are very cheap. (Q. 6679.) It is unknown also in the Established Kirk of Scotland, where

"Any male parishioner may prosecute for heresy, and the Presbytery 'have no power to decline taking up the case. And it is not necessary 'that a parishioner should be in communion with the Church.'" <sup>27</sup>

It is remarkable that this fact is not mentioned in the Commissioners' account of the Scottish Establishment. (p. ix.) Frivolous suits are unknown where the law is clear, and definitely ascertained, and where its enforcement is swift and cheap—as in Scotland and in the Isle of Man.<sup>28</sup> In England, frivolous suits might by this means be prevented; for, as the Right Hon. E. P. Bouverie testifies, "the ordinary Englishman does not like to put 'himself forward: he is a very diffident man, and does 'not like to stand forward and oppose what is being 'done by a man who is respected and liked in the parish." (Q. 5113.) And moreover, as Mr. Girdlestone urged, "the social and pecuniary dangers attendant upon an 'effort to obtain justice against a clergyman are so great." (Q. 4261.) Even if it were true that clergymen, like exotic plants, need extraordinary solicitude to "protect" them, it need not be at the cost of denying justice to everybody else. At least two other plans were proposed. Mr. Droop would make the veto subject to an appeal (Q. 2645); and this might be either to the Archbishop personally, or to the Arches Court. Then Mr. Valpy

<sup>27</sup> Innes' *Law of Creeds in Scotland*, p. 211.

<sup>28</sup> Which is to retain its ancient freedom, p. lx.

suggested that the certificate of a barrister (of seven years' standing) that the complaint is made *bonâ fide* and relates to points ruled to be illegal, or which involve a breach of trust, should suffice. But the majority insisted upon conferring upon each individual Bishop power to dispense his clergy from obedience to the law of "this Church and realm." They say, indeed, "it is "better to make the Bishop responsible" (p. liii); but they are careful to provide that there shall be no one on earth TO WHOM he is "responsible." Readers of *The Life of Bishop Wilberforce*, who remember how Sir R. Phillimore was a member of that inner circle who met each day in private before the meetings of the rest of the Ritual Commissioners, and who, as the biographer tells us, "did virtually settle "the Report,"<sup>29</sup> will notice with interest that Sir Robert never thought it worth while to attend another meeting of the present Commission after the Veto had been carried. He naturally felt that with the Veto it mattered little what the "law" or the constitution of the Courts might be. Lords Penzance and Chichester, with Dr. Deane, were among the absentees at that division upon the Veto question. Another point of resemblance to the Ritual Commission may be noted. Bp. Wilberforce's biographer records with a chuckle: "'The judicious use' (by the "Ritual Commissioners) 'of the word restrain' with regard to the vestments, instead of the word 'abolish,' or "'prohibit.' The main body of the Commissioners *failed* "to perceive the elasticity of this word, which, in fact, did "leave a loophole." (*Ibid.*) The language of the Minute of March 9, 1883, was no less "judicious." It spoke only of "leaving it to the Bishops to give *permission* to the "complainant to *proceed*." A harmless-looking suggestion which perhaps the majority "failed to perceive" involved the power to *refuse* permission. No doubt, at the following meeting, Abp. Tait being no longer chairman, this was ruled to have been decided, for no division took place.

<sup>29</sup> *Life of Bp. S. Wilberforce*, III-214.

With how little wisdom can a great Church be governed ! In vain had Mr. Blakesley reminded the Commissioners of that article of Magna Charta, "we will sell to no man, "we will *deny to no man, nor make any difference* as to "justice and right." "Judgment, justice, and truth," it seems, are *secular* matters ; but "Spiritual" judges must in future be armed with a dispensing power to condone violations of the law, committed with a high hand, and (it may be) even by public conspiracy. Mr. Valpy pointed out that in eight cases in which the episcopal Veto had shielded the wrongdoer every one of the illegal practices went on as before. (Q. 6253.) Bishops we know are peculiarly liable to backstairs' influences. Every mail brings them letters from ardent partisans, or weeping mothers appealing to their emotional susceptibilities, or conservative timidity. We are told how "Lord Aberdeen "in translating Lord Auckland from Sodor and Man to "the See of Bath and Wells, *stipulated* that he should "neither persecute Mr. Bennett, nor prosecute Archd. "Denison."<sup>30</sup> We learn from Vol. III, 268, of the same valuable work, that the Prime Minister attempted to influence the "Judicial" action of Abp. Sumner. These influences explain the otherwise startling fact that the Denison case broke down ultimately through delays occasioned by the negligences of three successive Bishops refusing in their judicial capacity to administer the law of which they were appointed guardians.<sup>31</sup>

Apart from the pressure which a Prime Minister might exert, we have nowadays an organized system of lampooning in "religious" newspapers which stir up sedition in every diocese, of which the administrator dares to do his duty. In the words of the amendment moved by the Archbishop of York, and seconded by the Dean of Peterborough.

<sup>30</sup> *Life of Bishop Wilberforce*, II-240.

<sup>31</sup> See *Statement of the Proceedings in Ditcher v. Denison*. (Hatchard) and *Monthly Intelligencer* for March, 1883, p. 58. (John F. Shaw.)



"The investing the Bishop with the unconditional power of veto on any complaint against a clergyman would deprive the laity of the power of obtaining a decision in case of wrong, and would lead to variety of practice in different dioceses and would also be *invidious toward the Bishop* as making him practically the prosecutor in every case where the proceedings went on." (p. 12.)

"The active interference of the Bishops to prevent the law of the land being enforced," said the Lord Chief Justice Coleridge, "is as indefensible in theory as it is *fast becoming intolerable in practice*." He added, most justly, that this power is "more likely to be abused in proportion to the strength and earnestness of character of those who claim it; finally it is one which, desiring to speak with all respect, I must think *has in fact been abused*." (p. lxii.)

No one who reads the evidence of Messrs. Girdlestone, Valpy and Howard, especially that of the first-named witness will fail to see that Bishops cannot prudently be trusted with such unconstitutional and dangerous "dispensing" powers. Before quitting the subject of our numerous petty Diocesan Courts it is well to turn to the Index where, under the head of "Court of First Instance" (p. 128), "Registrar's Blunders," will be found a few illustrations of the cost of payment (by fees) of this class of officials. The Rev. Chancellor Espin wishes to increase the fees of the spiritual officials by sweeping into their net the election of Churchwardens and other business belonging to the "secular" tribunals from time immemorial. (p. 17-ii.)

## 2. THE ARCHES COURT.

The Commissioners of 1832 suggested the fusion of the two Provincial Courts. The 6 and 7 Vic. c. 38, sec. 17 (1843), contemplated it, and its advantages are obvious. The avoidance of conflicting decisions in Courts of equal status, the improvement in the salary of the ill-paid Judge, and the possibility of having the very best man in the country, with the formation of a resident Bar, are among those advantages; but the objections before raised to the "personal" Court apply with increased force to the Archbishops' Courts.

"So many other qualities are of necessity to be regarded "in the choice of Archbishops," says Mr. Gladstone, "that they can very rarely be the best theologians "of the Episcopal Bench."<sup>32</sup> A worthy Bishop is much too busy and useful as an Ambassador of Christ to be a learned lawyer; much less, then, can an Archbishop be fit to revise "personally," and bring into permanent reconciliation, the conflicting judgments of the Diocesan Consistories of a whole Province. One of the Commissioners—who, as Dean of the Arches, had more of his judgments reversed than any of his predecessors—reported that there ought to be no appeal from the Archbishop's Court. (p. lxiii.) His fellow-Commissioners had agreed with him (p. vi) that the Dean of the Arches is "the principal Judge of the "Church of England," and that the Ecclesiastical Courts were "Courts of the Church as DISTINGUISHED FROM the "State" (whereas the Reformation statutes described them as Courts of the "Realm," a "body politic," of which the King was "head"). The Dean of Arches, they said, had "*unquestionable ecclesiastical* authority, "whilst his Court is to be subject to an appeal to a purely "LAY tribunal." (p. liv.) This is explained (p. liii) on the principle that "no Ecclesiastical Court can bar the "right" of access to the Throne, and on this ground alone "judges learned in the law" were to hear the appeal from "spiritual judges." This assumes that the Court of Appeal is not an "Ecclesiastical Court," but a "Crown Court"—a foreign power, as it were—interfering with a jurisdiction not its own, but derived from another source—a doctrine which, whether true or not, is clean contrary to the "Reformation statutes." The apologetic way in which the Commissioners palliate the profane intrusion of a "lay" Court shows how gladly they would minimize its control. This is accordingly done by several provisions.

<sup>32</sup> *Royal Supremacy*, p. 54.

Before considering them, however, the following sentence should be noted (p. liii) :—

“The function of such lay judges as may be appointed by the Crown to determine appeals is not in any sense to determine what is the doctrine or ritual of the Church, but to decide whether the impugned opinions or practices are in conflict with the authoritative formularies of the Church in such sense as to require correction or punishment.”

That is perfectly true ; but it would have been equally true to have said “the function of *spiritual* judges is the same.” All “judges,” as judges, and all “courts,” as courts, have the same function.<sup>33</sup> For instance, Sir H. J. Fust, Dean of the Arches, said, in *Faulkner v. Litchfield* :—

“As I understand the question, it is simply one of the construction of the rubric and Book of Common Prayer, which are incorporated into the Statute of Uniformity passed in the 13 and 14 Charles II and of the Canons. In proceeding to consider this statute, the Court must proceed precisely in the same manner as it would in construing other Acts of Parliament.”<sup>34</sup>

Again, in the case of *Sheppard v. Bennett*, the superior Court censured the expression of “extra-judicial opinions” on theological subjects by the Dean of the Arches, remarking that “it is not the part of the Court of Arches, nor of this Committee, to usurp the functions of a Synod or Council.” Similarly, Lord Stowell, the Judge of the Consistory Court of London, said—

“If any article is really the subject of dubious interpretation, it would be highly improper that this Court should *fix one meaning* and prosecute all those who hold a contrary opinion regarding its interpretation.”<sup>35</sup>

But if Clerical Judges, presiding “personally,” are taught by a Royal Commission that it is the business of

<sup>33</sup> See the admission of Rev. E. S. Ffoulkes (Q. 2281), and Canon Bright (Q. 5495), and the *catena* of “spiritual” judgments furnished by Mr. Valpy. (Q. 6305.)

<sup>34</sup> 1 Robertson, D. 198.

<sup>35</sup> 1 Haggard, p. 429.



Spiritual Courts to "determine the doctrine or ritual of "the Church" in contradistinction to the "Lay" Court which deals only with "authoritative formularies," we shall soon have "changed all that." There is not a single important decision of the Judicial Committee which does not contain a disclaimer of interference with the theological aspects of doctrine or ritual which come before it, and which are considered solely and exclusively as questions of law; so that in this respect the new Court of Appeal makes no change. The Commissioners propose that "only the actual decree should be of binding authority in "the judgments . . . and that the reasoning . . . "should always be allowed to be reconsidered and "disputed." This again makes no change whatever. The witnesses proved that this is, and has always been, the received theory and practice of the Judicial Committee (*see* Reeves, Qq. 6725-6734, and Beckett, Q. 5543) which has even permitted a re-hearing. (Qq. 5644, 6752.) The cases of Mr. Ridsdale and Bp. King are recent illustrations. Up to this point, then, we have seen no reason assigned (apart from the enumeration of the opinions of witnesses contradicted by other witnesses—p. v.; and see Index, "Privy Council," p. 131) for discarding the Judicial Committee. The Report says (p. liii), "we hold it to be essential that only the actual decree, "as dealing with the particular case, should be of binding "authority in the Judgments hitherto or hereafter to be "delivered." A writer in *The Churchman* for December, 1883, p. 217, has called attention to the interpolation into this sentence of the word "hitherto," which is not found in the original resolution of April 5th, 1883 (p. 14); which resolution is *correctly* cited in p. lviii of the Report; but into it the draughtsman has contrived to introduce here<sup>36</sup> the apparently unauthorised word "hitherto" for

<sup>36</sup> Without providing it with any corresponding tense of the verb "deliver."

the purpose of evacuating all "historic continuity" in spiritual matters by abolishing precedents. If this enormous change is to be introduced into English law it ought to be done in a more grave and formal manner than by an inference from a single word (*interpolated*, apparently, by a single individual), the force of which the majority of the Commissioners may have "failed to perceive." As Lord Penzance observed (p. lxvii)—the effect would be that "no legal principle would be asserted "or established," and that "such a system, if acted "upon for half a century, would destroy the ascertained "law altogether." Whereas the Commissioners of 1831 recommended the Privy Council (p. 194) as the Court of Appeal because "It is usual at the Privy Council for the "presiding Law Lord to deliver the grounds of the "Judgment, which, being thus known and reported, "tend to *settle principles* and to *establish uniformity* of "decision."

### 3. THE FINAL COURT OF APPEAL.

The objections to the Commissioners' changes in the Appeal Court amount to this, that the changes seem to have for their object to make the control of the Supreme Court over the inferior Courts altogether nugatory.

1. They degrade the standard of qualification for its members. The Commissioners say (p. xlv)—

"The reasons given for the abolition of the Court of Delegates are . . . "the want of uniformity in its decisions, and the silence observed "by the Court as to the grounds of its Judgments. The reasons "given for the substitution of the Privy Council are chiefly the "superior qualifications of its members, the permanent existence of "the tribunal, and the publicity given to the reasons of the Judgments."

They explain (p. xlii) that—

"The practice was to appoint the Delegates according to a rota," and "the fact that the reasons for their Judgments were not given

"seems to have been regarded as infusing an element of uncertainty  
 "as to the nature of the law administered by the Court." (p. xliii.)

It seems hardly credible that after giving this just summary of the recommendations of a former weighty Royal Commission, the Commissioners of 1883 should proceed to recommend every one of the condemned features as (retrograde) changes to be adopted in the new Court of Appeal.

2. The Commissioners of 1832 said (p. 193): "The  
 "division of opinion of a Court so constituted being  
 "known, becomes a ground of dissatisfaction to suitors."  
 The Commissioners of 1883 say (p. lviii): "each Judge  
 "shall deliver his Judgment separately." The effect of  
 dissident opinions in weakening the deliverance of a  
 Judgment intended to be "final" was well pointed out by  
 Mr. Gladstone to Bishop Wilberforce (1862) when,  
 deprecating any individual utterances of *episcopal* judges,  
 he wrote as follows:—

1. "Constitute these episcopal referees into a body; make them  
 "not plural but singular, by calling them a Court, Committee, or—  
 "perhaps better—a Board. It is only as a body, not as individuals,  
 "that they can have any good title.

2. "Whatever else happens, strike out 'or if they do not agree,'  
 "their 'several opinions,' and again twice 'or opinions.' To me this  
 "seems objectionable, and almost to destroy the whole merit of the  
 "plan. It would be far better that the Court should simply throw  
 "overboard the opinion of the whole, than that it should pretend and  
 "be authorised to pretend to act as umpire between parts. The  
 "majority is *de jure* the whole, and the President, without reference  
 "to his own individual opinion, would subscribe, or a seal might be  
 "affixed, for the whole.

3. "I am doubtful about the assignment of reasons. If they are  
 "given, they are given to be debated. Now the opinion contem-  
 "plated is in everything but its being binding, a verdict; it is upon  
 "a matter exclusively committed to those who deliver it, and I am  
 "afraid the reasons would weaken the authority."<sup>37</sup>

<sup>37</sup> *Wilberforce's Life*, Vol. III, p. 107.



The use to be made of dissident opinions is well illustrated by the Minutes of the Commissioners' Meeting, April 13th, 1883, when the "opinion of Sir W. Erle, "in the case of *Martin v. Mackonochie*," was presented by the Secretary of the English Church Union. (p. 15, ii.) The Minutes do not tell us whether the passage which the Rev. T. W. Perry suppressed on a former occasion had been restored; nor whether the letter of H. Reeve, Esq., C.B., D.C.L., the Secretary to the Privy Council, which appeared in *The Guardian* of January 24, 1883, correcting Mr. Perry's mis-statements, was also submitted to the Commissioners. But the intention to detract from the weight of the Judgment in *Martin v. Mackonochie* can hardly have escaped their notice, and may even have inspired their commendation.

3. In order to weaken the Court still further, it was suggested that any *one* of the Judges may call for the opinion of the Archbishop and Bishops of the Province. (p. lviii.)

"Such an arrangement, it is feared, would have many practical "inconveniences. When a man is tried for contravening the Articles "and Formularies, he is accused of violating certain plainly written "laws. Are the Judges who try him, it is asked, not to use their "own discretion in pronouncing whether or no he has violated these "laws? Are they to refer to some other body to say what the "written laws mean? Is this other body, then, to make what is "equivalent to new laws for the particular case, or is it simply to "direct the attention of the Judges to passages in the old written "law, which they had before them when they made the reference? "If the former, it is said, they are constituted a perpetual Court of "Legislation—a sort of *General Council in Commission*, to make "new laws according to the Church's emergencies. If the latter, "their office is useless, and they cannot give the assistance which "legal Judges chiefly require, viz., advice on each point as it casually "arises in the sifting of the case, and guidance to the attainment of "theological accuracy in the terms in which they clothe their Judgment. It is fully granted that competent theological learning is "necessary to aid lawyers in the right application of Ecclesiastical "laws; but must not such learning, if it is to be of use, be found "in *the Court itself* which pronounces Judgment, not in some other

"anomalous body to which the Supreme Court makes some undefined reference?"<sup>38</sup>

That this reference was *designed* to weaken the Court can hardly be doubted by any one who studies the evidence. Abp. Tait asked (Q. 6440)—

"If the bench of Bishops met and said, 'We hold a different opinion' . . . it would be a very awkward state of things? 'Yes,' replied Mr. Beresford Hope, 'if they unluckily adopted such *form of words.*'" He added (Q. 6441): "I think the thing might be done in such a form of words that danger might be avoided. I fully agree with your Grace in objecting to make a *formal* defiance." Again (Q. 7006), Supposing they made a new Canon to set at naught the judicial decision? 'I do not see why they should not,' said Dean Church; 'It seems a fair right of the Church to do so.' 'Convocation need not consider the latter Court?' 'Quite so.'" (Q. 7071.)

Any reader of the Report who will turn to Qq. 4413, 4396, 4409, 4538, 4596, 5466, 6802, 7335, 7364, 7551, or to the *Life of Bp. Wilberforce*, II-352, will be able to judge whether this conclusion is not inevitable.

4. Lest, however, this should not suffice, Canons Westcott and Stubbs moved, March 16, 1883, that the Bishops should take counsel, and, having regard "to the *circumstances of the time*, to issue such statements "on *subjects brought into dispute* as may seem to be "required." This, with slight verbal variations, was adopted in the Report. (p. liv.) Whether the Bishops are to prejudice the case by fulminations while the "subject" is *sub judice*; or whether they are afterwards to issue a Counterblast in the form of an Allocution *urbi et orbi*, so as to lash up the "faithful" to resistance, is left by the Commissioners to the Episcopal "discretion;" but either way, its effect upon the "working of the Courts" could hardly have been contemplated in issuing a Royal Commission.

<sup>38</sup> Archbishop Tait, *Pref. to Brod. and Fremantle.* (p. xvi.)

5. But the most conclusive proof that the Commissioners wish the control of the Appeal Court to be ineffective is, that they give to it no power of enforcing its own decisions. (p. liv.) It is merely authorised to remit the cause to the Archbishop, sitting in person, in order that "justice may be done." And the teaching of history is that justice may not be done. The Primate of All England and Metropolitan, sitting "in person," may not like to admit in public that there has been "lack of justice" on his own part. The Hon. C. L. Wood, President of the English Church Union, counts upon his resistance. "It is always open to the Archbishop and "his comprovincials to refuse" (Q. 937), and the Commissioners have provided no means either for compelling the Archbishop to take action, or for "justice being done" by some other "spiritual" person in his stead: yet they had admitted in words (p. liv), that—

"IT IS DESIRABLE THAT ANY SCHEME SHOULD MAKE  
"PROVISION FOR COMPELLING ON THEIR PART OBEDIENCE  
"TO THE LAW."

This "desirable" thing is not merely desirable; it is essential to any "working" of the Courts, and the Commissioners knew that "historic continuity" would necessitate some provisions like that contained in the long series of statutes, including "the Great Statute of Appeals" (p. 216-ii), all of which provide severe penalties against the Ordinaries who neglect to execute Acts of Parliament.<sup>39</sup> Beside the penalty, the 25 H. VIII, c. 21 provided, "and over that it shall be lawful to  
"your Highness, for every such default, to give power  
"and authority, by Commission under your Great Seal,  
"to two such spiritual prelates or persons, to be named  
"by your Highness, as will do and grant such licences,

<sup>39</sup> Among them are 23 H. VIII, c. 9; 23 H. VIII, c. 20; 25 H. VIII, c. 20; 28 H. VIII, c. 19; 3 and 4 Ed. VI, c. 10; 2 Eliz. c. 4, Ireland; 5 Eliz., c. 28.



“faculties, and dispensations refused, or denied to be granted by the said Archbishop.”<sup>40</sup>

One of the Commissioners, Bp. Mackarness, once told the House of Lords that “if by legislation Bishops were required to be the deliverers of sentences prepared for them, some of the Bishops might object to be mere machines in that way. To use a word of the day, they might ‘strike’ ”<sup>41</sup> and the suggestion resulted in the omission from the “Public Worship Regulation” Bill of the original provision, which was that the Judge should “report” to the Bishop, and the Bishop should “give Judgment.” That Bill was, therefore amended to enable the Judge to enforce his own decisions. And “historic continuity” would suggest a similar provision. For though the 37 H. VIII, c. 17, which regulates our Diocesan Courts to this day, and was, therefore, *not* reprinted in the Report, recites that canons forbidding lay or married persons to exercise ecclesiastical jurisdiction had been abolished, yet (says Mr. Gladstone),<sup>42</sup> “the Bishops and other spiritual persons *acted* at that date (A.D. 1545) *as if* the disqualification had been still in force.” The statement of the Act itself was, that the laws were “not used, nor put in practice by the Archbishops, Bishops, Archdeacons, and other spiritual persons, who have no manner of jurisdiction, but by, under, and from your Royal Majesty.” And this Judicial malversation of trust, it will be observed, was long after the Spiritual Persons had themselves publicly forsworn allegiance to the Pope.

“The thing that hath been, is that which shall be.” “History,” of which Dr. Stubbs was an eminent Professor, “is Philosophy teaching by examples.”

The Commissioners have shown how easy it is to exchange the Jurisdiction “As modified by Reformation

<sup>40</sup> Stephens' *Eccl. Stat.*, p. 168.

<sup>41</sup> Hansard, 219, p. 958.

<sup>42</sup> *Roy. Suprem.*, p. 34.

"Statutes," for the "Whole Fabric" which was then so modified, and whose *unmodified* features they desire to "include." (p. xvi.) It will go hard, but our Priest-partisans shall better the instruction. We seem to hear the coming footsteps of the successor of S. Thomas of Canterbury, who shall haughtily defy the "Lay" Court of Appeal, which the Commissioners have rendered contemptible: and it may be that future Historians who chronicle the triumph of the "Church" over secular laws and institutions will trace the beginnings of the change to the "Report of the Royal Commissioners on "Ecclesiastical Courts, 1883."

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## ANALYTICAL INDEX

TO

### THE EVIDENCE OF WITNESSES CONTAINED IN VOL. II. OF THE COMMISSIONERS' REPORT.

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Bodington, Q. 4126.

Green, Qq. 5976.

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Body, Qq. 3546, 3649, 3570.

Littledale, Q. 4865.

Mackonochie, Q. 6105.

*Cf.* Phillimore, Q. 6948 and Tait, Q. 3547.

*Cf.* Tait, Q. 3547.

Miller, Q. 5241, A.D. 1745.

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Wilkinson, Q. 1832.

Liddon, (?) Q. 7351.

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Bright, p. 258.

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Littledale, p. 228.

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Wood, p. 33, Q. 889.

Bright, p. 257.

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Synods *not* Courts :—

° Wood, p. 28, 36.

Phillimore, "doubts," p. 51; *cf.* 56, 57, 83 (where 23 Henry VIII c. 9, is misrepresented).

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Mackonochie, p. 283, Q. 6132.

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England, "*unique*," B. Compton, p. 120.

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The "great thing" was to *avoid* Crown, Jenkins, p. 127, who propose a Congregation of Rites, p. 128; *cf.* Espin, Q. 703.

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B. Compton, Q. 2719.

Girdlestone, Q. 4174.

*Secrecy* objectionable :—

Tristram, Q. 3263.

Girdlestone, Qq. 4069-77, 4212.

Under Act of 1840 the Preliminary Committee :—

*BAD.* Lee, p. 17-20.

Acquitted a man in gaol, being a "spiritual" person, on ground of no "*primâ facie* evidence," Espin, p. 22.

Ditto, with three Assessors under Secs. xi and xii, *dead* :—

Moore, p. 9.

*Cf.* Denison Case, *ibid.*

Espin claims three cases, one of which appealed; but he sent up his *only* Ritual case, p. 26; *cf.* Report, p. xlvi.

Bishop's Court *unpopular* till Chancellor appointed, Phillimore, p. 55.

Bishop's "Personal" Court *disappeared* in London, since A.D. 1303, Tristram, p. 140.

Bishop's "Personal" Court shirked in U. S. A., Vol. II, p. 623, and xxvii.

Bishop without Priests at "*his own peril*," B. Compton, p. 123.

Bishop is "*protector of the clergy*," Report xvii, xxiv; *cf.* p. 22, Q. 597;

Hence "*secrecy*," Lee, p. 15, Qq. 325, 383, 423; Trevor objects to this secrecy, p. 375.

Bishop is "*Inquisitor Natus*," Stubbs, Vol. I, p. 29, col. ii.

Bishop "works" Ritual "according to his discretion," Hope, p. 309.

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*Lay-Chancellor permissible* :—

Hope, p. 308.

Church, p. 349.

MacColl, p. 312.

Clerical Chancellor removed by the Crown, Lewis' *Reformation Settlement*, pp. 386, 390, and Report I-i, 46.

*Lay-Chancellor not permissible* :—

Heygate, p. 215.

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*Lay-Chancellor may excommunicate*, Report, xxvii; *cf.* xx, and Vol. I, p. 26-ii.

*Lay-Chancellor may "Visit"*, Phillimore, p. 55.

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Oakes, Q. 5882.

Girdlestone, p. 186, 192.

Valpy, p. 290.

Howard, p. 381.

"Great people," Beckett, p. 263, Q. 5614.

*Veto "Unconstitutional"*, Blakesley, p. 60, "*Nulli Negabimus*" Reduces National Church to Congregational Sect. Inskip, p. 218.

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Howard, Qq. 7702-3.

"Saves us from everything," Church, p. 351.

Yet he admits "it does not matter much," Q. 6913.

*Dangerous* : Girdlestone, Qq. 4147, 4152, 4158.

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Blakesley, p. 70.

Bouverie, p. 240.

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Appeals to, Historical *Genesis of*, Stubbs, p. 49.

"Not a Court of Appeal" ruled in Whiston's Case, Valpy, p. 303.

*Combines Legislative* with Judicial functions:—

Littledale, p. 230.

Liddon, p. 365.

*Per contra*, Seely, p. 250.

As Legislature, *Co-ordinate with Parliament*, Littledale, p. 233.

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Valpy, p. 298.

Droop, p. 115.

Doctrine of *Coke* Examined, Droop, p. 115; compare Stubbs, Vol. I, p. 45-ii.

Convocation not in *Repyngdon's and Hereford's* Cases, Droop, p. 111.

Not in Lord *Cobham's* Case, Jenkins, p. 135.

Not *Seat of Jurisdiction* when Sitting with Archbishop, Stubbs, Vol. I, p. 45-ii; Jenkins, Qq. 2866-78.

(*See Synods.*)

Holland in his "Summary," p. 199, says Convocation "as a Court of Law" has been "practically disposed of by the Commission, in spite of Dr. Phillimore's earnest pleadings."



## 8.—CROWN COURT OF APPEAL.

Bound by the Bishops?—

*Yes*--Hubbard, p. 152, Q. 3525.

Lord A. Compton, p. 199, Q. 4390.

Trevor, Qq. 7518, 7540 (p. 373).

B. Compton, p. 118.

Cowie, p. 214, Q. 4538.

Liddon, Qq. 7335, 7341.

(This view finally rejected by Commissioners, Vol. I, p. 14-i.)

*No*—Oakley, p. 106.

*Mixed Lay and Clerical* :—

"*Best*"—Egerton, p. 147.

Tristram, p. 140, Qq. 3248-9.

B. Hope, p. 308.

Beckett, p. 260.

"*Worst*"—Liddon, p. 362.

Trevor, p. 373.

Phillimore, p. 61.

Cowie, p. 213.

MacColl, pp. 312, 315.

Church, p. 348.

*Appel Comme d'Abus* not analogous to *Appeal* but to *Prohibition* :—

Phillimore, p. 58.

Church, p. 349.

Compare Stubbs, Vol. I, p. 39-i.

*Appel Comme d'Abus* rejected by Commissioners, I-13-i; cf. 14-ii.

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Crown, Jenkins, p. 126, Q. 2895.

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Dean of the Arches should be one of the Quorum. Tristram, Q. 3224.

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Archdeacon Harrison, p. 253.

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*Persona Mixta* Rejected by Dibdin, p. 371; Heygate, p. 216.

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Egerton, Q. 3408 and 3422.

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Compare Lambe, Dean of Arches (A.D. 1636), p. 190 in Vol. I.

Not Source :—

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Body, p. 154, "not of Man;" *cf.* p. 156.

Heygate, p. 216.

Mackonochie, pp. 280, 284-5.

Church, p. 350.

Trevor, p. 377, Q. 7610.

Phillimore, p. 55, Qq. 1304-5, 1419; Stubbs (?), Vol. I-40, col. ii.

Unknown whether Source or not, Stubbs, Q. 1103; *cf.* Espin.

Qq. 657-8.

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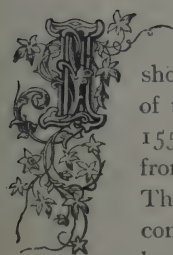
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## Queen Elizabeth's Crucifix.

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IN "the Crucifix at St. Paul's,"<sup>1</sup> it was shown that immediately after the restoration of the Prayer Book under Elizabeth (June 24th, 1559) crucifixes were removed by authority from all the Churches throughout England. The Royal Chapel, as might have been expected, conformed at first to the changes required by law. It was not until October 3rd that the Queen began to moot a change.<sup>2</sup> "The motive for all this was suspected to be the state of affairs with the Archduke."

Rishton, in his continuation of Sander's "Anglican Schism," tells us<sup>3</sup> she had at first set up a table "*in the place of the altar*" in her chapel. Sir Francis Knollys wrote, October 13th, 1559, that "these toys were set aside

<sup>1</sup> Published by J. F. Shaw. Price one penny.

<sup>2</sup> Hall's "Documents from Simancas," p. 64.

<sup>3</sup> P. 271. See also Archbishop Williams' "Holy Table," p. 38.

till now alate,"<sup>4</sup> "these toys" being the crucifix and its attendant lights. The exact date of their introduction was October 9th, 1559. "Angry words were exchanged between the Council and the chaplains; Bedford spoke with bitter surprise to Cecil, and the order was suspended for a day or two; but on the Sunday following, service was performed with the altar in full costume, and the priests in orthodox vestments." So says Froude.<sup>5</sup>

On October 26th, Christopher Goodman (who had been staying in Scotland for six weeks) wrote to Cecil complaining of the "slander . . . given by the slack proceedings in religion by permitting and retaining divers monuments of superstition, some of which had been abolished in the days of godly King Edward, such as the placing of crosses and candles on the Lord's Table, and that *in the Queen's Chapel*."<sup>6</sup>

On November 2nd, Noaillies wrote to the Cardinal of Lorraine—"Yesterday the Queen celebrated the festival of All Saints with much solemnity in the great chapel of

<sup>4</sup> Strype's Parker, p. 92.

<sup>5</sup> VI.-268. These so-called "vestments" were copes, *not* chasubles. Sampson calls them "vestes," not Vestimenta (Z. L., i., App. 36). Burnet, Hist. Ref., iii.-561, calls them "copes," and Sampson himself speaks of "the sacred vestures, namely, *cope* and surplice," using the same word "*vestes*." (Zurich Letters, II.-121, and I.-158, 164, App. 97). The "Cheque book of the Chapel Royal" (temp. Eliz.) described the "Sub-Dean and Epistler in rich coaps assistant to the said Bushop" (p. 150). The testimony of Percival Wiburn corroborates this (Z. L., II.-361).

It is important to observe that amidst all this suddenly introduced pomp, no return to the Vestments proper to the Mass, or even to those of the "First Prayer Book of Edward Sixth," was attempted even in the Queen's Chapel. Copes had never at any time been permitted to the Epistler and Gospeller by the First Prayer Book; and their use destroyed the "*distinctive dress of the celebrant*."

<sup>6</sup> State Papers, Foreign, Eliz., Oct. 26th, 1559.

Westminster, in which, during service, she caused two tapers to be lit on the high altar, which she has *restored to its place against the wall*; upon it there is a cross and crucifix of silver. The Protestants in this city are wonderfully surprised and cry out. If it continues, it is probable that the Scots will not be much favoured in their religion. Does not know whether this is to open the way to some new marriage, different from that here generally discussed. The suit of the son of the Emperor will soon come to an issue."<sup>7</sup>

This change was intended by the Queen, and was understood by *all* parties to indicate a breach with Protestantism. The secret meaning of it was, however, purely political. Francis, who succeeded on February 19th to the throne of France, was the husband of Mary, Queen of Scots, the rival claimant to the English throne, and Elizabeth, like her wary Prime Minister Cecil, sought to obtain the powerful alliance of Philip of Spain, who was jealous of the aggrandizement of France. With this object, on October 5th, 1559, Elizabeth invited the Archduke Charles, Philip's cousin, to come to see her, with a cautiously vague suggestion of a possible marriage. "Her policy was not noble, nor magnanimous; but with an impoverished kingdom, a ruined navy, a feeble army, and an insecure position, noble policy was impossible."<sup>8</sup> With a view to throw dust in the eyes of Bishop de Quadra, the Spanish ambassador, she pretended that "she was forced, not by her own convictions, but by the clamours of her subjects, to make a change of religion,"<sup>9</sup> and that "she was not so far estranged from the Catholic religion as people thought."<sup>10</sup>

<sup>7</sup> St. Pap. Foreign, Eliz., Nov. 2nd, 1559.

<sup>8</sup> Creighton's "Age of Elizabeth," p. 50.

<sup>9</sup> Rishton, p. 272.

<sup>10</sup> "La Roynne qui vouloit flatter les Catholiques et les princes estrangers, faignant n'estre pas tant esloignée, qu'on pensoit, de la



In order to assist this diplomatic pretence, "in December, 1559, the General Visitation, [which had] commenced in June or July, was suspended, the Visitors being directed to determine such matters only as had been already commenced."<sup>11</sup>

The Queen wished it to be supposed that she was desirous that crucifixes should be restored in all the churches. She had legal power to do this under the proviso as to ornaments in the Act of Uniformity, on condition of obtaining the "advice" of the Metropolitan, or of the Commissioners, appointed under the Great Seal, for Causes Ecclesiastical." (1 Eliz. c. 2, §. 25.)

De Quadra spoke contemptuously of the English bishops as so many "sheep,"<sup>12</sup> but their firmness on this occasion was the salvation of the Church of England.

Archbishop Parker at once exerted himself, and Sir Francis Knollys, "writing from the Court," wishes him all prosperity in his "good enterprise against the enormities yet in the Queen's closet retained." This was on October 13th, 1559.<sup>13</sup> Shortly before this, viz., on September 10th, 1559, Archbishop Curwin had publicly detected and exposed a "pious fraud" practised in Dublin Cathedral, where the big marble crucifix was made to "sweat blood" by means of a sponge placed in the hollow of its head. The "Catholics" at once improved the omen, "How can he religion Catholique, ny a l'egal de ses predecesseurs, fit dresser en sa chapelle une table en forme d'autel, sur laquelle elle fit mettre une croix d'argent, aux d'eux cotés de la quelle il y avoit deux cierges, &c. Publiant, mais avec trop de faintise que ce qu'elle faisoit, n'estoit que comme contrainte a suivre l'inclination de ses subjects. Lesquels toutes-fois au contraire elle force et contrainct d'aller aux Eglises Protestantes."—Flor. du Remond, cited in Archbishop Williams' "Holy Table," p. 38.

<sup>1</sup> State Papers Domestic, 1547-80, p. 145.

Froude, vi.-270.

<sup>13</sup> Parker, Corr., p. 97.

choose but sweat blood whilst heresy is now coming into the Church?" Whereupon the awe-stricken people who "had been at English Service" drew forth their beads and prayed before the "sweating" idol.<sup>14</sup> Abp. Parker was "very joyful at the receipt of this news," as strengthening his hands against imagery. In the library of Corpus Christi, Cambridge, there is still extant an address of the bishops and other divines to Elizabeth which refers to several former appeals of a like nature, and states at length the—

"Reasons which have moved ALL such our brethren as now bear the office of bishops, to think and affirm images not expedient for the Church of Christ, so will they not suffer us, without the great offending of God and grievous wounding of our own consciences (which God deliver us from) to consent to the erecting or retaining of the same in the place of worshipping."

They conclude, "We beseech your Highness most humbly *not to strain us any further*."<sup>15</sup>

This "straining" was, in fact, carried to great lengths. Jewel writes, November 16th, 1559<sup>16</sup> :—

"That little silver cross, of ill-omened origin, still maintains its place in the Queen's Chapel. Wretched me, this thing will soon be drawn into a precedent. There was at one time some hope of its being removed; and we ALL of us diligently exerted ourselves, and still continue to do so, that it might be so. . . . There seems to be far too much prudence, too much mystery, in the management of these affairs; and God alone knows what will be the issue. The slow-paced horses retard the chariot. *Cecil favours our cause most ardently.*"

It is curious to read this last statement side by side with De Quadra's Report, that "Bedford has insulted Cecil about the crucifix."<sup>17</sup> The next allusion is in a letter of December, 1559, in which Bishop Cox laments that "we are constrained

<sup>14</sup> Parker, Corr., p. 95 n. <sup>15</sup> Parker, Corr., p. 80, 93.

<sup>16</sup> Z. L., i.-55. <sup>17</sup> Froude, vi.-269.

to our great distress of mind, to tolerate in our churches an image (*imaginem*) of the cross and of Him who was crucified."<sup>18</sup> For Cox felt that the honour and purity of the whole Church was compromised by this backsliding of its "principal member."

The Queen, however, insisted upon having her own way. The bishops seem to have been for a time divided as to the lawfulness of acquiescing in what all of them alike deprecated and deplored. Some apparently held that it would be the less evil of the two to retain their posts in spite of the graven image which Elizabeth had set up. A formal disputation was arranged, Parker and Cox being "selected by the Council" to advocate the tolerability, Grindal and Jewel to urge the intolerableness of the "cross." No wonder that Bishop Jewel, knowing their real abhorrence for the "image," "smiled when he thought with what grave and solid reasons they will defend their little cross." The decision was to "rest with the judges"—presumably the Privy Council; but Jewel feared this was a mere formality, and that he should not write again to his correspondent "as a bishop; for matters are come to that pass, that either the crosses of silver and tin, which we have everywhere broken in peeces, must be restored, or our bishopries relinquished."<sup>19</sup>

<sup>18</sup> Z. L., i., App. 38.

<sup>19</sup> Z. L., i., 66, cf. 74. The same despondency prevailed throughout the Protestant ranks. Sampson wrote, January 6th, 1560—"The altars indeed are removed and images also, throughout the kingdom (*per totum regnum*); the crucifix with candles is retained at Court *alone*. And the wretched multitude not only willingly hear this, but will imitate it of their own accord. What can I hope when three of our lovely-appointed bishops are to officiate at the Table of the Lord—one as sacred minister (*sacri minister*), another in the place of the deacon, the third in the place of the sub-deacon—before the image of the crucifix, or at least not far from that fixed idol (*fixe idole*, *per candles*) with its candles, adorned with the golden dresses of



Such was the "strain" put by Elizabeth on her bishops, and such, one is proud to add, the faithful way in which they bore the "strain."

The disputation came off on February 5th, 1560. Cox, writing March 4th, 1560, said:—

"There is no open quarrel, but yet there does not exist an entire agreement among us with respect to setting up the crucifix in churches as had heretofore been the practice. Some think it allowable (*licere*) provided only that no worship or veneration be paid to the image itself: others are of opinion that all images are so universally forbidden, that it is altogether sinful for any to remain in our churches, by reason of the danger so inseparably annexed to them. But we are in that state that no crucifix is nowadays to be seen in any of our churches."<sup>25</sup>

Bishop Cox did his duty manfully. He wrote to the Queen telling her plainly that out of regard to the second Commandment, "I dare not minister in your grace's chapel lights and the cross remaining," and that "your Majesty's learned and godly clergy of your realm do think this Commandment of God indispensable:" also from Deut.

the Papists (*ornati aureis vestibus Papisticis*), and thus celebrate the holy supper of the Lord without any sermon? What hope is there of any good, when our men are willing to seek religion from these dumb relics of idolatry, and not from the living voice of God sounding forth."—Z. L. i., App. 36. See above, note 5.

<sup>26</sup> Z. L. ii. 42. Sampson asked Bullinger (January 6th, 1560) this practical question—"Suppose the Queen should enjoin all the bishops and clergy, either to admit this image with its candles (*imaginem cum candelis*) into their churches, or to retire from the ministry of the Word, what should our conduct be in this case? Should we not rather quit the ministry of the Word and sacraments, than that these relics of the Amorites should be admitted? Certain of our friends, indeed, appear in some measure to regard these things as matters of indifference; for my own part, I am altogether of opinion, that should this be enjoined, we ought rather to suffer deprivation"—Z. L. i. 64.

iv.-15, he understood that "in place of worshipping there should be *no* images."<sup>21</sup>

The firmness of the bishops prevailed. Sandys, Bishop of Worcester, wrote April 1st, 1560 :—

"Because I was rather vehement in this matter, and could by no means consent that an occasion of stumbling should be afforded to the Church of Christ, I was very near being deposed from my office, and incurring the displeasure of the Queen. But God, in whose hand are the hearts of kings, gave us tranquility instead of a tempest, and delivered the Church of England from stumbling-blocks of this kind."<sup>22</sup>

Not the Bishops only, but the loyal laity were puzzled by the seeming crookedness of Elizabeth's policy.

Sir Nicholas Throckmorton, the English Ambassador at Paris, wrote to the Queen, April 29th, 1561, telling her of the talk the Cardinal of Lorraine and the Queen of Scotland had of her Majesty's religion, and "how they made their advantage of the cross and candles in your chapel, saying you were not yet resolved of what religion you should be." He added, "the Pope, the Emperor and the King of Spain are ascertained from England that there is no great difficulty to make her change the state of her religion, and are persuaded that now is the time to make an attempt of it."<sup>23</sup>

Again, writing to Cecil, October, 15th, 1561, he said, "All he can do does not so much further that cause as the cross and candlesticks in the Queen's chapel doth hinder it."<sup>24</sup>

Yet on New Year's Day, 1562, Dean Nowell got a severe wiggling from the Queen for presenting her with a Prayer Book in which he had inserted "pictures representing the

<sup>21</sup> Strype, Ann. i. App. No. XXII. Quære—was this on March 24th, 1560, when Barlow officiated in his Chimere and Rochet?

<sup>22</sup> Z. L., i.-74. On February 2nd, 1560, several Englishmen were arrested for hearing mass at the French Ambassador's (Machyn's Diary, p. 225).

<sup>23</sup> State Papers, Foreign, Eliz. p. 86.

<sup>24</sup> Ibid., p. 370.

stories and passions of the Saints and Martyrs." [Strype's Ann. I, i.-409.] And when "about the middle of August, 1562, Condé, the leader of the French Huguenots, came to London to solicit Elizabeth's assistance, offering to put her in possession of Havre and Dieppe, after some hesitation, she concluded an arrangement with him on the 29th of August."<sup>25</sup>

This fact explains a passage in a letter of Bishop Parkhurst, dated August 20th, 1562:—

"Good news was brought me, namely, that the crucifix and candlesticks in the Queen's chapel are broken in pieces."<sup>26</sup>

But on April 26th, 1563, he told the same correspondent that the image was "shortly after brought back, to the great grief of the godly. The candles heretofore were lighted every day, but *now not at all*."<sup>27</sup> That is the last we hear of any *lighted* candles. The Second Book of Homilies, sanctioned by Convocation in 1562, was published August 1st, 1563. That on "Peril of Idolatry," by Jewel, condemned the crucifix by name, and taught that it "was ever a proverb of foolishness to light a candle at noon-time." The Papists, however, naturally sought to make capital out of the Queen's example: as her seeming vacillation enabled them to do. In 1564, Elizabeth told De Silva that she thought of restoring the crucifixes to the churches.<sup>28</sup> Stapleton, the Jesuit, wrote in 1565: "Why do not Protestants allow the blessed crucifix of our Saviour? Why burn they not lights before it as they see the Queen's

<sup>25</sup> Droop, Ed. Vestments, p. 36. See also Z. L., i.-115.

<sup>26</sup> Z. L., i.-122.

<sup>27</sup> Z. L., i.-129.

<sup>28</sup> Hall's Simancas, p. 91. It was on May 7th, 1565, that Dean Nowell got snubbed a second time for attacking images in his sermon "at Westminster before the Queen's Majesty."—Stowe's Memoranda, Camden Soc., p. 132. Churton's Life of Nowell, p. 105.



Majesty doth ? "<sup>80</sup> And Calphill, replying in the same year to Martiall, said :—

"As for her private doings, neither are they to be drawn as a precedent for all ; . . . neither her Grace and Wisdom hath such affiance in the cross as you do fondly teach ; neither takes it expedient her subjects should have that which she herself (she thinketh) may keep without offence. For the multitude is easily, through ignorance, abused : her Majesty too well instructed for her own person to fall into Popish error and idolatry."<sup>80</sup>

Still, the Queen's nonconformity was a constant scandal. A Mr. Tracy wrote against it to the Secretary, April 17th, 1565,<sup>81</sup> and the Puritans complained that the Queen's chapel was "the pattern and precedent of all superstition."<sup>82</sup> On October 3rd, 1566, Sir N. Throckmorton writes to Cecil saying—"If the Protestants get the upper hand in France, it were well the Queen should make some favourable declaration towards them."<sup>83</sup> And we learn from a letter of Bishop Parkhurst that at the beginning of November, 1567—

"A certain youth, under the influence of great zeal for God, entered the Queen's chapel, and threw down on the ground with great force the golden cross, together with the images connected with it ; then stamping on it with his feet, he broke it in pieces, in the sight of all who were assembled for common prayer ; for it was done publicly. From that time no cross has been seen there ; it was abolished, and it will be for ever abolished in *malam crucem*."<sup>84</sup>

Heylin says this was done at the instigation of Sir Francis Knollys, the Queen's near kinsman, and that the agent was Pach, the Queen's fool. Heylin's editor, Canon Robertson, has not been able to find any authority for this latter statement. But the true explanation of the transaction is again to be found in the State-craft of Elizabeth.

<sup>80</sup> *Church Review*, vii.-36.      <sup>80</sup> Answer to Martiall, p. 7. P. S.

<sup>81</sup> State Paper, Dom. Eliz., p. 251 (No. 37)."

<sup>82</sup> *Strype, Ann.*, i.-472.      <sup>83</sup> State Paper, Dom. Eliz., p. 300.

<sup>84</sup> Gorham, *Ref. Gleanings*, p. 435. Strype describes this cross as "gilt."

The Archduke, in October, 1567, had offered to come to England as Elizabeth's suitor provided he might practise his own religion privately. Mr. Froude tells us how a "Protestant panic was systematically kindled. English Catholics who had attended Mass at the Spanish Ambassador's chapel, were arrested and imprisoned. . . . steps were taken to eject all persons suspected of holding Catholic opinions out of the Royal household," &c., &c.<sup>85</sup>

Mr. Droop justly remarked that "if Elizabeth had really cared about the crucifix, she would have restored it; instead of this, after a month's hesitation, she sent a qualified refusal to the Archduke's request."

There is but one later allusion to the subject, viz. in a letter of Archbishop Parker, February 6th, 1570, complaining to Cecil that "I was informed that one nobleman in England should impute it to my doing that the cross is brought into the chapel again, so that I perceive they will load me with envy; but certainly I never knew of it, nor yet in good faith I think it expedient it should be restored."<sup>86</sup> It is quite possible that this relates to one of the former "bringings back," the bygone blame of which had been raked up against Parker out of "envy."

The really important thing to note, however, is, that Elizabeth's crucifix was always regarded by ALL parties as being *unique*, and by *all* Church of England folk as being scandalous. It did not even profess to shelter itself under the law of the land, but under the irresponsibility of Royal privilege. The Elizabethan bishops, weak and complaisant enough in all conscience, here resisted the imperious Queen with a solid and unbroken front. The result was that during the reign of Elizabeth even the lynx-eyed Puritans, among all their exaggerated grievances, were never able to specify the existence of a single cross. They only dreaded (and

<sup>85</sup> Froude, *Hist.*, ix.-181.

<sup>86</sup> Parker, *Corr.*, 379.

not unreasonably) the "precedent" of the Chapel Royal. But Archbishop Whitgift was able to reply, "The Papists had the cross in their churches, *so have not we*."<sup>87</sup> And King James told the Hampton Court Conference, "You see that the *material crosses are demolished* as you desire."<sup>88</sup>

Archbishop Williams, who had been the chaplain and intimate friend of Lord Ellesmere (the last Chancellor of Elizabeth), and had afterwards himself held the office of Lord Keeper, is a competent witness in this matter, and he urges, "What if all her chappell was thus set forth, to comply with forreigne princes, and to make them beleieve shee was not so farre esloigned from the Catholic religion, as was bruited abroad? Were all the churches in England to take pattern by this, who might not possess a picture in this kind; no, not any of the subjects in their private houses."<sup>89</sup>

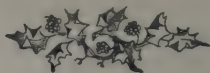
Of "Lights before the Sacrament" (as distinct from the candles<sup>40</sup> burned at *every* service before this solitary image) there is not so much as a trace during the long reign of Elizabeth after the restoration of Edward's *Second* Prayer Book on June 24th, 1559.

<sup>87</sup> Defence, p. 616.

<sup>88</sup> Card. Conf., p. 200.

<sup>89</sup> "Holy Table," p. 39.

<sup>40</sup> Strype's Ann., p. 298.




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## PREFACE

### TO THE SIXTH EDITION.

---

N EARLY eight years have elapsed since the first edition of this pamphlet was published, and the writer has carefully weighed the criticisms to which it has been subjected. Such replies as were needed were given at the time, and a list of these is appended<sup>1</sup> for the convenience of anyone who may care to investigate such details.

It is believed that not one single fact alleged in the *Judgment* has escaped investigation, and that not one single statement of fact in this pamphlet has been shaken by the learned persons who have been good enough to publish their comments. If the mere opinion of

<sup>1</sup> Thus during the year 1891 replies appeared to *The Quarterly Reviewer*, in *The English Churchman* for May 21st: to Dr. Legg in *The Guardian*, May 27th and June 30th: to "Pacificus," in *The English Churchman*, June 25th, and *The Church Intelligencer* for July: to Mr. C. Wordsworth, in *The English Churchman*, July 23rd, and in *The Church Intelligencer* for August: and to Canon MacColl, in *The Church Intelligencer* of September and October.

“authorities” could determine matters of fact, the following strictures would never have seen the light : it is precisely because evidence and not weight of names must settle questions of fact, that testimony to the truth is of lasting value. Indolent people will doubtless continue to shelter under the traditions which they may individually prefer, and to such persons the claims of truth will always appear to be quite secondary in importance.

The text of the *Judgment* followed is that published by Messrs. Macmillan, because it was the one originally printed for the Archbishop, and was read from by him in open Court, and beside being well printed and cheaper than any other, it is the one most accessible to the general public. At the head of each section, however, the corresponding pages of the Law Reports (Probate Division) are given below in order to facilitate reference.

One peculiarity of this remarkable Judgment is the large number of alterations which have been secretly introduced since its delivery. The first change made was the substitution of “the last Revision” for the words “the Savoy Conference” on p. 36 of Macmillan. This change was retained in the text, though it was not included in the list of Corrigenda furnished by the Archbishop and published in Macmillan’s second edition. Yet it is not recognised either in the Law Reports or in the (subsequently issued) list of corrections mentioned below !

On June 5th, 1891, Sir John Hassard, as registrar of the Archbishop’s Court, furnished the following official list of errata in the name of “the Archbishop of Canterbury and his Assessors”—



<i>Alterations.</i>	<i>Macmillan's Report.</i>	<i>L. R. (1891), P.</i>
<i>after "1," add "and 12-14"</i>	Page 8, line 15 from bottom	Page 25
<i>for "revision" read "review"</i>	" 10, " 6	" 26
<i>for "it," read "that liturgy"</i>	" 10, " 14	" 27
<i>omit "great contests (Burnet)."</i>	" 20, " 3 from bottom	" 35
<i>for "19th or 24th," read "23rd.</i> <i>Ridley's Register, fo. 288"</i>	" 20, " 12 from bottom	" 35
<i>for "1626," read "1625"</i>	" 22, " 16 from bottom	" 37
<i>omit the quotation marks to "altar-</i> <i>wise"</i>	" 23, " 6	" 37
<i>for "1549," read "1550"</i>	" 25, " 5 from bottom	" 40
<i>for "a Table," read "the Table,</i> <i>given when it was"</i>	" 25, " 10 from bottom	" 39
<i>for "1551," read "1550"</i>	" 27, " 8 from bottom	" 41
<i>for "'before him' (Lords' Jour-</i> <i>nals, May 24th, 1642)," read</i> <i>"there [i.e. at Durham]</i> <i>before him.' (Surtees Soc.,</i> <i>vol. 34, p. 218; on 24th May,</i> <i>1641. Lord's Journals.)"</i>	" 29, " 14 from bottom	" 43
<i>for "Stephen Langton's Concil.</i> <i>Oxon. 1222," read "(Lynd-</i> <i>wood, p. 236, n.)"</i>	" 73, " 11	" 81
<i>for "1621," read "1625"</i>	" 74, " 13	" 82
<i>omit quotation marks at "burning</i> <i>by day light"</i>	" 76, " 16 from bottom	" 84
<i>for "1726," read "1736"</i>	" 79, " 3	" 87
<i>under "1222," for "xlii-19,"</i> <i>read "xli-10"</i>	" 90	" 90
<i>for "every," read "evening"</i>	" 104, bottom line	" 105

The *ratio decidendi* is materially affected by the alterations thus introduced, yet they are not noticed at all in the Law Reports. On the other hand, Messrs. Clowes published in 1892 a separate list which included an additional correction, viz., the substitution of the true date 1550, instead of "1549" on p. 30 of Macmillan. A third list is given at the end of Macmillan's second edition (1894) which omits two of the above-named authorised corrections! The grave importance of some of these surreptitiously inserted afterthoughts was pointed out in detail in *The Church Intelligencer* for October, 1893.

On appeal, the Privy Council three times over sanctioned the minister standing at that part of the table "which

faces EASTWARD." Those words were repeated three times by Lord Chancellor Halsbury in open Court, and were so printed in the official copies given out in Court, as well as in the Reports of *The Times*, *Guardian*, and other papers, and in Dr. Cutts' *Handy Book of the Church of England*, published by the S. P. C. K.; yet this final Judgment of the Supreme Court has been stealthily reversed by changing "eastward" into "westward" (!) at some unknown period, and by some unknown authority. Litigation becomes worthless when published Judgments are thus tampered with, since in a few years' time the true text may become quite undiscoverable.

*The Solicitors' Journal*, September 30th, 1893, said—

"The remarkable thing about the alterations in the Judgment in the Bishop of Lincoln's case is that they should be necessary in a document which *occupied many months in its preparation* . . . the circumstances do not seem to redound very greatly to the credit of the draftsman."

The Privy Council Judgment was also remarkable for its entire absence of any pretence of independent research and its abandonment of the Reformation as a turning-point in the legal settlement of the Established Church. In both these respects it contrasts strangely with all former Judgments of the Queen in Council. A very general belief that this was due to timidity, arising from the fear of embroiling the Government in which Lord Halsbury was a Cabinet Minister, has found expression in widely different quarters. Thus Mr. G. W. Russell, M.P., tells us in *The Guardian* of February 2nd, 1898, that—

"Archbishop Benson, who was really what Archbishop Tait was called by his admirers—an ecclesiastical statesman—saw his opportunity. The Lambeth Judgment vindicated Ritualism, and was supported by the Judicial Committee, who, according to persistent rumour,

had been 'squared' before the Judgment was pronounced. The success of the manœuvre was complete."

Lord Grimthorpe wrote—

"No human being can have read either of these Judgments without seeing that the conclusions came first and the arguments for them afterwards."

And Lord Halifax expressed his conviction that the Judicial Committee had abdicated its functions as an independent judicial tribunal in these words—

"The last decision of the Judicial Committee, which for the moment at all events closes a long struggle, shews that in this matter it is not the State that has finally decided for the Church, but the ecclesiastical authority which has sustained its own decision *against the State*. It is a happy result . . . that would never have been reached as soon and as completely as it has, if it had not been for the efforts of this Union and its *determination to disregard the decisions of the Judicial Committee*." <sup>2</sup>

"Is there a single instructed Christian,' he asked, on another occasion, 'who would not prefer Leo XIII. to the Privy Council?'" <sup>3</sup>

Soon after the delivery of the Lambeth Judgment, one of the Assessors, the present Archbishop of Canterbury, threw off the mask as regards the doctrinal symbolism underlying the inculcated ritual. In an "Address on the Lincoln Judgment," Dr. Temple said—

"The Eastward Position represented not the Sovereign giving, but the subject offering—the sacrificial aspect. . . There could be no doubt that the Eastward Position and the sacrificial aspect went together." <sup>4</sup>

The two "experts" who misled the Court by compiling the shamefully inaccurate lists appended to the Judgment and analysed below, p. 110, have since tried to

<sup>2</sup> *E.C.U. Gazette*, 1893, p. 227.

<sup>3</sup> *E.C.U. Gazette*, 1886, p. 242.

<sup>4</sup> *Guardian*, February 8th, 1893.



screen the “spiritual” Judges from censure under the pretext that their “new light” formed no part of the Judgment! That dishonest plea was refuted by Archbishop Benson himself. He submitted *his own corrections of this very list* to the Court of Appeal: it figures in the Law Reports as part and parcel of the Judgment: as such it was discussed before the Supreme Court. In the Lambeth Judgment itself we read “the Court had the list made” (p. 31), and at pp. 36 *et seq.* is an analysis of a portion of this list so made and so relied upon. At pp. 67, 78, 79, is a judicial balancing of the evidence thus tabulated. The appended Lists bear to the Judgment the relation which a Schedule bears to an Act of Parliament.

It was on the strength of the “learning” displayed in these lists that the Judgment received the open-mouthed admiration of admiring ignoramuses. And it will prove of permanent value as an object lesson warning posterity against the danger of entrusting judicial functions to “spiritual” persons who allow themselves to be secretly wire-pulled by irresponsible “experts.”



“HISTORICAL”  
FOUNDATIONS OF THE  
 LAMBETH JUDGMENT  
IN  
*Read v. the Bishop of Lincoln*  
 EXAMINED.

THE claim made in 1890 by “the Court of the Archbishop of Canterbury” to set aside all previous decisions, was based upon an allegation that “the researches of later students have brought much fresh information to bear,” and that “in the light of this ampler historical research . . . the Court has followed out the investigation of such corroborative or independent evidence of an historical character as was accessible.”<sup>1</sup>

Literary  
claims of the  
Judgment.

Apart from the purely legal question whether a Court of first instance is entitled to rely upon the opinion of its members as to the value of any “fresh light” which it may choose to recognise, as enabling it to disregard and even to set aside the previous rulings of the Supreme Court of Appeal, it is important to test the truth of the allegation itself. It will be found upon inquiry that the Court in this case carefully excluded all “such independent evidence of an historical character as was accessible” whenever it happened to “make for” Protestantism: that “instead of sifting to the bottom” (p. 3) it adopted mere scraps of opinion to the disregard of chronology, and of the writer’s means of judging as to the facts for which he is alleged as a voucher: that hardly anything really “new” was broached in this Judgment, the same facts having been given with fuller details in the *Second* and

<sup>1</sup> *Judgment*, pp. 2, 3 (ed. Macmillan, 1890).

*Fourth Reports of the Ritual Commission*, and the arguments borrowed from polemical pamphlets written years ago by the professed advocates of "Ritualism."

Sources of the Judgment.

For instance, the "North-side" theory adopted by the Court was published in 1870 in pamphlets by Mr. Scudamore and Mr. Walton; the definition of "ceremonies" when originally produced in argument by Sir James Parker Deane (one of the Assessors to the Archbishop) was decisively rejected by both the Arches Court and the Privy Council in *Martin v. Mackonochie* (1868); the picture "evidence" appeared originally in the columns of *The Guardian* in 1871, except so far as it is borrowed from Mr. Chambers's book published in 1877. The Court has carefully reproduced the ancient arguments in favour of these one-sided views, while ignoring with the utmost care the rejoinders by which those arguments were at the time combatted and shewn to be baseless. Such conduct goes far to justify the prescience of Lord Penzance who reported to Her Majesty that—

"A bishop would not be careful to follow decided cases, with which perhaps he would be little familiar; that he would be apt to import into his enunciation of law considerations of policy and the elasticity of discretion, while in controversial matters of doctrine there would be room for the apprehension that he might bring to judicial decisions opinions already formed, and perhaps strongly held on one side or other of the controversy."<sup>1</sup>

Composition of the Court

These last words describe exactly the characteristics of the "Court of the Archbishop." Archbishop Benson had occasionally adopted the West-side position even so early as 1884,<sup>2</sup> and still earlier, in 1882, an occasional use of the *Agnus Dei*, Mixed Chalice, and lights.<sup>3</sup> In 1886 he began to take up the Eastward Position in the Ante-Communion Service,<sup>4</sup> and had consecrated to missionary bishoprics members of the *Confraternity of the Blessed Sacrament* which exists for the very purpose of promoting the adora-

<sup>1</sup> *Ecclesiastical Courts' Commission Report*, 1883, p. lxvi.

<sup>2</sup> *Church Times*, August 1st, 1884.

<sup>3</sup> *Rock*, April 2nd, 1885.

<sup>4</sup> *Church Times*, March 2nd, 1888.



tion of the Host.<sup>5</sup> The "ablutions" were performed by his Grace's assistants at the consecration of Bishop King.<sup>6</sup> He had also in 1887, just before the suit commenced, vetoed one of the articles of charge when Mr. Hebb complained of a similar breach of the law at Lincoln Cathedral. Bishop Thorold wrote an aggressive letter to *The Times* in ridicule of the complainants just before accepting the office of Assessor. Bishop (John) Wordsworth formally "accepted" in his diocesan synod (1888) a resolution of the Lambeth Conference recognising the use of wine "diluted or undiluted" as an alternative sanctioned by the "rule of our own Communion," notwithstanding the fact that the legality of the Mixed Chalice stood challenged at that very moment before a "lawful tribunal." Bishop Stubbs forced the Eastward Position into Chester Cathedral (1884) in despite of the private remonstrances and published protest of the amiable Dean Howson. Bishop Temple during the progress of the suit consecrated the church of the Holy Redeemer, Clerkenwell, in which the observance of the law (as to one of the articles of charge) was physically impossible.

May not the criticism of *The Church Times* (December 31st, 1869), upon the Judicial Committee of Privy Council be with more reason transferred to the "Court of the Archbishop" as it was actually constituted to hear the case of *Read v. Bishop of Lincoln*?

Reflex incidence of "Spiritual" Judgments.

"As to its episcopal members the difficulty is greatest of all. Dr. Thomson must admit that if Mr. Mackonochie was right, he himself was very much in the wrong. Thus *what the Most Reverend Primate was really deciding was whether he himself ought to be prosecuted.*"

Such introspective "searchings of heart" must be unfavourable to clearness of vision on the part of any "Court."

<sup>5</sup> Bishops Dawes, Corfe, Churton, and Smythies were selected from this Confraternity, whose principles may be judged from such recent publications as *Reservation of the Blessed Sacrament* (Palmer), and *Doctrine of the Real Presence* (Mowbray).

<sup>6</sup> *Church Review*, May 1st, 1885.

## THE MINGLED CUP.

(*Judgment*, ed. Macmillan, pp. 4-13 = pp. 22-30, Law Report, P. D., 1891.)

"Wine mixed  
with water,"  
Isaiah i.-22, cf.  
2 Cor. ii.-17  
with LXX.

The decision so far as it relates to the Mixed Chalice is perhaps least open to criticism. Yet it is obvious that Fulke (one of the authorities cited) in saying "It had been to be wished that St. Cyprian<sup>1</sup> . . . had retained the precise institution of Christ in wine only," and this in reply to Martin who affirmed "The Protestants, counting it an idle superstitious ceremony, here frame also their translation accordingly, suppressing altogether this mixture or mingling," implies what the Romanists publicly asserted without contradiction, viz., that the mixture had been *given up* by the Church of England. Thus Dean WATSON, in his second sermon before Queen Mary (1554), denounced the Edwardian practice in these words:

"And for the other kind, whereas the due matter is wine mixed with water, they notwithstanding the institution and example of our Saviour Christ commanded no water to be put in."

The Elizabethan Reformers incurred the same censure. RASTELL taunted Bishop Jewel in 1564, "Where is the water which ye should mingle together with the wine in consecrating the chalice? Why keep you not this ancient, approved, and received order?" "The English order having wine only and not water."<sup>2</sup> BECON,<sup>3</sup> WHITGIFT,<sup>4</sup> and ROGERS,<sup>5</sup> are among "our strongest Protestant leaders," and assuredly they did *not* "take but slight exception to the mixing" as erroneously stated in the *Judgment*, p. 6. Yet these authorities had been

<sup>1</sup> *Fulke's Defence*, p. 523.

<sup>2</sup> *A confutation of a sermon preached by M. Jewel at Paul's Cross*, by John Rastell, M.A. Antwerp, 1564, pp. 30, 123.

<sup>3</sup> *Works*, III.-283-359; also II.-455.

<sup>4</sup> *Works*, II.-541-2.

<sup>5</sup> *On the Thirty-nine Articles*, p. 296.

adduced in *Martin v. Mackonochie*,<sup>6</sup> and must therefore have been present to the minds of the "spiritual" Judges when seeking to reverse the decision given in that case by the Supreme Court. Bishop Andrewes, though privately favouring the practice, yet recognised the mixture as one of the differences between Rome and England.<sup>7</sup> *The Survey of the Common Prayer*, which was (inaccurately) cited in the *Judgment* as to the mode of placing the Lord's Table (see below, p. 41), was not cited at all as to the Mixed Chalice, though that writer had argued from its known disuse, and had also urged that "Christ did not mingle water with His sacramental wine."<sup>8</sup>

If Archbishop Benson's "law" had been known when the present rubric was made, assuredly the answer would then have been forthcoming, viz., "We do administer a mixed cup, though we prepare it secretly in the vestry with an uncertain quantity of water." For it would be perfectly legal, under the new ruling of the "Spiritual" Court, to administer a small quantity of wine secretly mixed by somebody, somehow, in a flagon of water! In *The Times* of May 10th, 1898, Archbishop Temple, who had been one of the Assessors in this suit, explained that "it is permissible to dilute the sacramental wine to whatever extent may be necessary:" and Dr. Norman Ker, another Teetotaler, says, "It would be necessary to add fourteen tablespoonfuls of water for each tablespoonful of wine"<sup>9</sup>—a dilution which Roman Catholic theologians hold to invalidate the Sacrament. There is in the *Judgment* no attempt made to state, much less to deal with, the learned arguments adduced by Dr. S. C. Malan "*On the wine used in the Holy Eucharist*,"<sup>10</sup> or by Canon Jenkins: but neglecting all hints that the Celtic, the Jacobite

Neglect of  
counter-  
evidence.

<sup>6</sup> *Second Report of the Ritual Commission*, p. 98. In quoting Visitation Articles, this Report is referred to hereafter as *Rit. Rep.*

<sup>7</sup> *Minor Works*, A.-C. L., p. 30. <sup>8</sup> *Quære*, I., induc. 26, ed. 1610.

<sup>9</sup> *Church Times*, February 14th, 1896.

<sup>10</sup> *The Two Holy Sacraments*, p. 259. Compare Scudamore, *Not. Euch.*, p. 390.



Syrians, and other Churches, as well as the Armenians, did not adopt this custom of watering the wine, the Court preferred to dwell upon certain rubrics of "Ancient" Liturgies which are in no case coeval with the liturgies themselves, although these liturgies are extant only in a text of a thousand years after Christ.<sup>11</sup> The compilers of these liturgies have actually dared to "add to" the inspired narrative of the Institution statements that our Lord "looked up to heaven, shewed the bread to the Father, and mingled the cup." Mr. Ffoulkes attributes these "poetical touches" to the Arian forger of the so-called "Liturgy of St. Clement."<sup>12</sup> Such interpolations account for the prevalence of the practice but are surely unwarrantable,<sup>13</sup> when we reflect that the *silence* of the Evangelists was not less inspired than their utterances on such a theme. Origen<sup>14</sup> expressly testifies that our Lord used an unmingled cup (ἀκράτῳ). The Archbishop urged that Cranmer gave a reference to the *Antididagma* (a Roman Catholic work attacking his friend Bucer and the Reforming Archbishop Herman of Cologne for having omitted to direct that "Water is to be mixed with the wine"):<sup>15</sup> the fact being that most of the notes in that MS. related to points which Cranmer was preparing to *refute*. See Cranmer's *Remains*, Parker Society, p. 7.<sup>16</sup> But this fact does not

<sup>11</sup> Smith's *Dictionary of Christian Antiquities*, p. 1897, col. 2.

<sup>12</sup> *Primitive Consecration*, pp. 198, 211.

<sup>13</sup> Deut. xii.-32.

<sup>14</sup> *Hom. XII. in Jerem.* § 2.

<sup>15</sup> *Antididagma*, p. 78 of the edition of 1549. They said "Liber Reformationis" (*i.e.*, Herman's book) "nullam facit mentionem de vino aquâ miscendo." Bishop Geste, in 1548, wrote against "the Popish book *Antididagma*" (Dugdale's *Life of Geste*, p. 77).

<sup>16</sup> As the Court coyly withheld a reference to its voucher, I may mention that the quotation will be found at p. 253 of MS. Reg. 7 B. xi. at the British Museum, mixed up with references to the Council of Lateran and the decree of Pope Honorius in favour of reservation. Cranmer's extract (p. 235) is identical with the Decretal quoted below, p. 74: and the use made by him of such references is shewn in his *Works*, I.-238, II.-172.

even suggest that Cranmer would have been likely to follow such guidance.

On page 10 of the *Judgment* we are told of a

“revision by Isidore of Seville of that form of Gallican liturgy called the Mozarabic, as used in the sixth and seventh centuries, and long before (Isid. Hisp., *De Off. Eccl.*, Lips. 4to., Antv. 8vo., 1534).”

But this work, which the *Judgment* says was “edited by Joannes Cochleus,” and dedicated to Ridley’s uncle, was *not* a revision, nor does it contain any text of the Mozarabic Liturgy with which the Court suggests that Cranmer became acquainted through its means, and from which he is supposed to have derived in 1552 his [alleged, but imaginary] mixing of the chalice out of service time. It says nothing of any secret or preparatory mixing, though it does speak, in the same chapter “*De Sacrificio*,” of Masses for the dead in order to a “full remission of their sins, or at least that their damnation may be made more tolerable,”<sup>17</sup> and it speaks of those sins as “to be purged by a certain purgatorial fire.” Cochleus was the public assailant of Henry VIII., Luther, Tyndale, and Bullinger, and the official exponent of Romanism against Melancthon at Augsburg. So far from being likely to influence Cranmer, he was publicly denounced in the Convocation of 1536 by Aless speaking under the protection of Cromwell, and of Cranmer to whom Aless had been recommended by Melancthon.<sup>18</sup> Whereas when Cranmer offered to defend the Second Prayer Book with the aid of “Mr. Peter Martyr and other four or five which I shall choose,” this is altered<sup>19</sup> into an offer to defend it with the aid of “other scholars”—because Peter Martyr is not a *persona*

<sup>17</sup> “Ut sit plena remissio peccatorum, aut certe ut tolerabilior fiat ipsa damnatio” . . . “quodam purgatorio igne purganda.” “Cochleus’” real name was Johan Dobneck: for his character see *Tyndale’s Works*, p. xxviii.

<sup>18</sup> *State Papers*, Henry VIII., 1537, pp. 314, 246; Gorham’s *Reformation Gleanings*, p. 15; Jacobs’ *Lutheran Movement in England*, p. 57.

<sup>19</sup> *Judgment*, p. 9.

*grata* to the Court, though he was Cranmer's own chosen champion.

"Ancient"  
Liturgies not  
binding.

Dr. Gasquet has shewn that when Holbeach, then Bishop of Lincoln, one of the framers of the Prayer Book, was pressed during the debate in the House of Lords in December, 1548, with the authority of "St. James's Liturgy," he replied, "The Mass of St. James cannot be shewed": and Cranmer, similarly pressed with the authority of the "liturgy of St. Chrysostom," remarked, "There is in the beginning of Chrysostom a prayer unto himself, which proves that it was not his Mass."<sup>20</sup>

Disregard of "ancient" liturgies was shewn also in 1662 by the introduction of the *ritual* "breaking of the bread" during the Prayer of Consecration, for which *no*<sup>21</sup> precedent can be found in any ancient Liturgy, and which was in direct contradiction to the received usage of the Church of England at the date of the Injunctions of 1547.

The Court itself in this very Judgment, when insisting upon the need of publicity in the Sacramental Action, rejected without hesitation the combined use of "ancient" liturgies in order to follow the Master himself—"sic nos Ejus ductu."<sup>22</sup>

It is by no means clear therefore that Cranmer and his colleagues would have subscribed to the principle laid down in this Judgment—

"The Court therefore concludes—

"II. No rule has been made to 'change or abolish' the all but

<sup>20</sup> Gasquet's *Edward VI. and the Book of Common Prayer*, pp. 168, 441. So late as 1554 Watson (*ubi supra*) said the Liturgy of St. James "be not now to be had." It had *not* been printed in 1526 as erroneously stated by Dr. Neale and Mr. Hammond. Swainson's *Greek Liturgies*, Introduct. ix.

<sup>21</sup> See Palmer's *Orig. Liturg.*, ii.-77-78; Scudamore's *Not. Euch.*, pp. 610, 659; Pearson's *Sarum Missal*, p. 311; *Ritual Conformity*, p. 37.

<sup>22</sup> *Judgment*, p. 51.



universal use of a mixed cup from the beginning. . . Without order it seems that *no person had a right* to change the matter in the chalice, any more than to change the form of bread. Wine alone may have been adopted by general habit BUT NOT BY LAW" (p. 13). Bondage of Tradition affirmed in despite of National Church.

If so, it is *illegal* now to use pure wine, and in the name of "law" English Churchmen must consider themselves bound by pre-Reformation usages, and even by African, Spanish, or Oriental Liturgies! Such a "binding" would be bondage indeed.

The *Purchas Judgment* is quoted by the Court, but with an important alteration of its language, whereupon much antiquarian "learning" (or otherwise) is expended.

#### PURCHAS JUDGMENT.

"But neither Eastern or Western Church, so far as the Committee is aware, HAS any custom of mixing the water with wine *apart from* and before the services" (Brooke, p. 186).

#### LAMBETH JUDGMENT, p. 7.

"A second argument that has been alleged against mixing before the Service is<sup>23</sup> that neither Eastern nor Western Church HAD any custom of mixing the water with wine apart from and before the services."

"Distingue tempora"—mind your tenses—is a maxim peculiar to the "Secular" Courts. Mr. Clements<sup>24</sup> pointed out, fourteen years ago, that—

"The Greek rite of Prothesis is not 'apart from' but as much part of the public liturgical function as the Communion Service itself: *both* are screened off in whole or in part from observation. But *neither* consists of fancy rites adopted in the vestry out of a priest's own head, or a schismatical 'Priest's Prayer Book.'"

And even *The Church Times*<sup>25</sup> is constrained to remark

"The Eastern Office of the Prothesis which takes place not in the sacristy, but in the Chapel of the Prothesis, cannot in any way be compared to a private unceremonious mixing of the chalice in our sacristy. The Chapel of the Prothesis is not the sacristy, but a place

<sup>23</sup> The substitution of bygone for present practice was not demanded by the grammatical necessities of the *oratio obliqua*.

<sup>24</sup> *The Priest and the Privy Council*, 3rd edit., p. 33 (J. F. Shaw & Co.).

<sup>25</sup> Leader, January 23rd, 1891. The Rev. Warwick Elwin, of the C. B. S., in his pamphlet, *The Mixed Chalice and the Lincoln Judgment*, attributes the mistake to a corrupt following of Mr. Burbridge.

specially set apart for the purpose, and no more private than the altar itself; and the office of the Prothesis, in which the sacred elements are prepared, followed by the Great Entrance, is as rigidly solemn a ceremony as the Consecration itself."

While as to the "learning," the same article says:

"In regard to the Western Church the argument of the Archbishop is based upon the mistake of one book for another. . . It would seem that the Archbishop has never seen the book whose title he quotes. . . The Archbishop's mistake probably arose from a careless following of Mr. Burbidge."

### DRINKING THE ABLUTIONS.

(*Judgment*, ed. Macmillan, pp. 14-17 = pp. 30-32, Law Report, P.D. 1891.)

"Cleansing"  
vessels *coram*  
*populo*.

The third charge as to drinking publicly the washings of the paten and chalice is dismissed by the Court as though it were a mere act of cleanliness performed "without ceremony or prayers." But on that view, it would not come under the sanction of the rubric: for the counsel for the Defendant pleaded that "after the blessing the remains of the consecrated elements were, *as far as could so be*, reverently eaten and drunk, and *then*"—divers washings were drunk with like reverence.<sup>1</sup> It is only "IF *any remain*<sup>2</sup> of that which was consecrated" that any second "eating and drinking" is permitted, and it is clear that the rubric warrants no further "consumption" of newly added matter which according to the *Priest's Prayer Book*<sup>2b</sup> is to be accompanied by the following prayer:—

"*After the ablutions.* May this Act of my homage, O Holy Trinity, be pleasing unto Thee, and grant that the Sacrifice which I, a miserable sinner, have offered before Thy Divine majesty, may be acceptable to Thee, and through Thy mercy may be a Propitiation for me, and all for whom I have offered it."

Mr. Miller in his *Reply to Mr. Sydney Gedge*, M.P.,<sup>3</sup> has collected (pp. 25, 26) from Ritualistic authorities proof

<sup>1</sup> *Responsive Plea*, Art. 14.

<sup>2</sup> See below, p. 71, note 9.

<sup>2b</sup> 5th edit., p. 16.

<sup>3</sup> Published by J. F. Shaw & Co. Price 2d.

that such "reverent" procedure as is charged in this suit is based on a belief that the Divinity, soul, and body of Jesus Christ are immanent in the ("reliquiæ corporis" as the Sarum and Bangor rubrics describe them, *i.e.*) "particles of wheaten bread and of the thick sweet wine in common use [which] adhere to the vessels."<sup>4</sup>

With a full knowledge of the increasing prevalence of this superstition, the Court did not even see its way to discourage the "reverent drinking" of rinsings as supplementary to "the Supper of the Lord and the Holy Communion" at the Lord's Table as though it formed a recognised portion of the Divine Service. They only remark that "IF NOT [done] at the Holy Table" some less public place might be chosen.

The pre-Reformation "ablutions" are described as "The 'Minister' after 'receiving the communion in both kinds himself,' long before he gave it to any other persons, went through the forms of washing and wiping the chalice."<sup>5</sup> But the chalice was not then "wiped" (as in the modern Roman rite), and the communion of the people followed immediately upon that of the priest, as Maskell states in his *Ancient Liturgy* (p. 124). Dr. Wickham Legg shews<sup>6</sup> that in the Sherborne Missal, written between 1396 and 1407, "Communion was also directed to be given within Mass, not after it." At Milan in 1579 the communion of the people followed that of the priest.<sup>7</sup> Bucer, in 1546, described the abuse of giving wafers *after* Mass as a French<sup>8</sup> innovation. Hence, when Ridley spoke of "counterfeiting the popish Mass by laying down and licking the chalice *after* the communion"<sup>8b</sup> he was referring to the old direction to "place the chalice on the paten so that if aught remain it may

<sup>4</sup> *Judgment*, p. 14. The ceremony is traced to Innocent III. by the Rev. J. C. Robinson, in his pamphlet on *The Revival of the Mass*. (Wilmhurst, 10, Paternoster Square. Price 4d.)

<sup>5</sup> *Judgment*, p. 15.

<sup>6</sup> *The Church Times*, 1896, p. 536.

<sup>7</sup> *Le Brun*, i.-641.

<sup>8</sup> *De Cœnæ Dominicæ administratione*, p. 272. Compare Estcourt's *Anglican Ordinations*, p. 317.

<sup>8b</sup> Cardwell, *Documentary Annals*, I.-81.



drain;" after which "let the deacon hold the chalice to the mouth of the priest."<sup>9</sup> Ridley is a contemporary witness that this *followed* "the communion." Mr. Chambers, in the very work upon which the "Spiritual" Court relied for its pictures, insists, on the ground of mediæval usage, that there should be no "final wiping" or rinsing, and that the ablutions should immediately follow the "general distribution."<sup>10</sup> The washings of the priest's fingers could not possibly be disposed of before the distribution: since, as John de Burgh tells us, the wafers were *broken* not only for the sick but at the yearly communion of the parishioners.<sup>11</sup> The sick had to drink "the water in which the priest had washed the tips of his fingers" <sup>12</sup> after handling the wafer.

The question of law turns upon whether such acts did or did not appear to form *part* of the service, since the rubric assumes that some communicants will remain to share the remnants of the consecrated viands. If the mixing of the chalice may be best done out of sight, mere acts of cleanliness "without ceremony or prayers" might fitly be withdrawn from the public gaze. To many spectators, to say the least, such a spectacle is not "good to the use of edifying."

## THE NORTH SIDE.

(*Judgment*, ed. Macmillan, pp. 18-45 = pp. 33-58. *Law Report*, P.D. 1891.)

Under the plea of "fresh information" the Court produced the well-worn and hackneyed quotations from

<sup>9</sup> *The Canon of the Mass and First Prayer Book compared*, p. 22. (J. F. Shaw.)

<sup>10</sup> *Divine Worship in Thirteenth Century*, pp. 377, 391, 406, 408.

<sup>11</sup> *Pupilla Oculi*, cap. ix. a. m., ed. 1514.

<sup>12</sup> *Rock's Church of our Fathers*, iv.-170. Mr. Perry, of the E. C. U., accepts this unreservedly. *Lawful Church Ornaments*, pp. 478, 481. "Tam patenam, quam calicem faciat perfundi aquâ" is the direction of many English Councils, ex. gr. Durham, A.D. 1217; Salisbury, A.D. 1223; Scotland, A.D. 1225; Canterbury, 1236.

controversialists of the seventeenth century—Archbishop Williams, Prynne, and Smart, which have done duty for the last twenty years in every polemical writing on the subject, and which were passed in review in the Mackonochie case. The theory intended to be set up is that of Messrs. Walton and Scudamore,<sup>1</sup> viz., that the Rubric of 1552, "*the Priest standing at the North side of the Table shall say,*" &c., was *intended to apply exclusively* to a Table placed lengthwise down the church from east to west, so that at the Restoration the tables being set indiscriminately either way ("lengthwise" or "crosswise"), the rubric lost all meaning when it was re-enacted in 1662!

If this were true, it would be very odd, because we have positive proof that the rubric was keenly debated in 1661 and its ultimate form decided upon only after a series of amendments had been considered and provisionally adopted by the Committees of revision.

1st. The Durham book (sometimes called Cosin's) proposed to say "The table alwayes standing in the midst at the upper part" [afterwards altered, in Sancroft's<sup>2</sup> writing, to 'end'] 'of the chancel.' . . . "And the priest standing at the north end of the table, &c." This was afterwards altered by Sancroft to

Successive  
Stages of  
Revision  
in 1661.

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<sup>1</sup> This theory was combatted as un-"historical" even by such pronounced Ritualists as the Rev. T. W. Perry (the Ritual Commissioner) and Mr. J. Fuller Russell, editor of *Hierurgia Anglicana*, by such High Churchmen as Dean Burgon and Professor J. J. Blunt, as well as by Bishop Harold Browne, one of the Lambeth Assessors. His Pastoral Letter has been reprinted in the published *Opinion of Finlay and Whitehead* (Church Association. Price 6d). He says: "The meaning of the Rubric of 1552 was that, when the table was moved forward from the wall to the middle of the chancel, it should be moved *as anyone would naturally move it, not altering its orientation*, but carrying it simply in its original position; and that when it was moved into the nave it should be placed just before the chancel screen or chancel steps, at the east of the nave, still with the same orientation, and just as, I am told, is the custom now in many of the Lutheran churches on the Continent."

<sup>2</sup> Cosin's *Works*, v.-513.

"north side, or end," in imitation of Laud's Scotch liturgy of 1637.

2nd. In the Bodleian "Fair copy" a blank was left for whichever word ("side," or "end") might ultimately be preferred: and into this space the words "side (or end)" were afterwards crowded in closer writing.<sup>3</sup>

3rd. In Convocation, the rubric took at first this shape:

"¶ *The Table at the Communion time having a fair white linen cloth upon it, shall stand in the most convenient place in the upper end of the chancel (or of the body of the Church where there is no Chancel). And the priest standing on the north part of the table shall say,*" &c.

This stage is noted among the list of "alterations" supposed to be important, prefixed to the Black-letter Photozincograph published by the Ritual Commissioners.<sup>4</sup>

4th. Lastly, in the Privy Council, the King and his advisers changed back again the wording of this rubric into the form it now has, and which is taken *verbatim* from the Prayer Book as it stood *before* the Revision.

Hence it is clear that the subject was very fully thrashed out at the last revision, and a definite meaning must be supposed to attach to an enactment so fully and carefully considered.

Yet the "Court of the Archbishop" asks us to take for granted that the "North side of the Table" had in 1662 no definite meaning at all in the mind or intention of the legislature! The Court tries to reconcile us to this view by stigmatising the rubric adopted by the High Church and Tory Parliament of 1662 as being a "Puritan rubric" (p. 28), which though it has "the advantage of apparent literal plainness" (pp. 35, 42), the Court prefers to regard as "an indeterminate problem" (p. 29), which "cannot be obeyed to the letter, in the *true* meaning of the letter" (p. 40), nay even as "impossible of fulfilment"! (p. 44).

It tries to show that in 1552 and 1559, when this rubric

<sup>3</sup> Parker, *History of the Revisions of the Prayer Book*, p. 182.

<sup>4</sup> Compare *Fourth Report of Ritual Commissioners*, p. 17. Lord Selborne shows that the final change was *first* made in the Black-letter book. *Notes on Liturgy*, p. 67.



was first enacted, the word "side" was designedly introduced to compel the placing of all tables from East to West. And the elaborate one-sidedness of this effort illustrates the Theologians' conception (as distinguished from that of "secular" persons) as to what is meant by "weighing *all* the reasons for or against any of the actions or usages" (p. 3). *Not one single witness is produced who lived at the period when the rubric was framed.* Mere hearsay "evidence" taken from polemical writers of a hundred years after date is relied upon to the careful exclusion of contemporary testimony, and this too in the name of "historical research." Yet, as Canon Robertson observes, "The divines of Charles the First's reign appear to have had exceedingly little traditional information respecting the preceding century; the writings of the Reformers, with hardly the exception of Jewel, were forgotten; the line of historical and antiquarian investigation, in which so much has since been effected, was as yet unopened. The earliest histories of the Reformation (after Foxe), by Fuller and Heylyn—the earliest regular commentaries on the Prayer Book, by Sparrow and L'Estrange—were not published until the time of the Usurpation."

Controversial  
writers of  
17th Century  
produced as  
witnesses to  
facts of 16th.

To enumerate in the order of time the suppressed evidence of which the *Judgment* takes no notice.

In 1549, when the First Prayer Book was newly issued containing the alternative phrases "altar," and "table" or "board," it was manifest that a compromise had been adopted which could not consistently be maintained. Hence when Cranmer visited the diocese of Norwich on the resignation, in February, 1549, of Bishop Rugg (who refused to accept the new Prayer Book) the altars were removed generally throughout the diocese, as Bishop Thirlby testifies.<sup>5</sup>

Similar action was taken in 1549 by Ridley in the

<sup>5</sup> *Administration Book of the Consistory Court of Norwich*, 1549-55. (December 7th, 1550.)

diocese of Rochester,<sup>6</sup> by the officials of Farrar, Bishop of St. David's, as afterwards by Goodrich, Hooper, and the rest. The doubtful legality of their action was cured by a formal Order in Council, dated November 23rd, 1550, which went to every bishop, ordering the destruction of all altars, and the substitution "instead of them of a table to be set up in some convenient part of *the chancel* within every such church or chapel."<sup>7</sup>

"Reasons" were issued by the same authority explanatory of the change. Among these were that—

"The form of a table shall more move the simple from the superstitious opinions of the popish Mass, unto the right use of the Lord's Supper. For the use of an altar is to make sacrifice upon it; the use of a table is for men to eat upon."

The "Second reason" pointed out that the Prayer Book contained no "prescription for any *form* thereof." Even Bishop Williams in his published letter to the Vicar of Grantham, in 1627, admits that "All dioceses did agree upon receiving tables, but *not so soon upon the form and fashion of their tables.*"<sup>8</sup> The truth is that neither then nor at any subsequent time was any particular shape of a table prescribed by law. As the Privy Council said in *Ridsdale v. Clifton*—"The figure and the position of the Table are not fixed either by nature, or by law."<sup>9</sup>

Lord's Table  
might be  
square,  
round, or  
polygonal.

Dr. Lewis,<sup>10</sup> Mr. Pugin,<sup>11</sup> and Prebendary Sadler<sup>12</sup> tell us that the Edwardian Tables were in fact *square*. Bishop Harold Browne in his Charge, 1875, says: "The Holy Tables in those days were more nearly square than they are now." That shape would make them more unlike

<sup>6</sup> *Original Letters*, I.-179.

<sup>7</sup> Foxe, *Acts and Mon.*, vi.-743, Townsend's ed., where the wrong date assigned in the *Judgment* is explained: Ridley's Injunctions were issued in May, not "June" as stated in the *Judgment*, p. 19.

<sup>8</sup> *Holy Table*, p. 16. Cf. *Judgment*, p. 26, line 6.

<sup>9</sup> *Perry's Report*, p. 743.

<sup>10</sup> *Ref. Settlement*, pp. 111, 112.

<sup>11</sup> *Contrasts*, p. 30.

<sup>12</sup> *One Offering*, p. 130.

the long narrow altar slabs. The phrase "Oyster-board" and "Oyster-bread" were applied in contempt by the Romanists to the Lord's Table and the "usual bread," and this very phrase was used by the Laudian Bishop Pierce in derision of "an exact square table" set up by the Churchwardens of Beckington, which his official had certified to be "like an oyster-table."<sup>13</sup> "No form of table has been prescribed by the statute" (says Dr. Stephens in his *Notes on the Book of Common Prayer*, p. 1125), "and therefore it may be square or of any other rectilinear figure, or even circular, where, of course, you cannot have any 'side' in the sense in which it is contended 'side' here bears. The meaning of 'at the North side,' therefore, seems really to be simply 'to the north of' the table." The licence given to the local authorities to place the table in any part of the chancel they pleased led naturally to great diversity of practice. There is only one known instance in which a table was ranged East and West during the reign of Edward; yet even as to that the evidence is conflicting, and it occurred *before* the "North side" rubric was enacted. Easter, 1551. On that occasion the Officiant stood on the *South*<sup>14</sup> side of the board, and in that way the rubric of 1549, then in force, was complied with, viz., "The priest standing in the *middest* at the communion."<sup>15</sup> On the other hand,

<sup>13</sup> *Speeches and Passages of this Happy Parliament*, 1641, p. 320. Nalson's *Collections*, II.-414. Cf. Hooper's *Later Writings*, p. 564.

<sup>14</sup> Stow, in his *Survey of London* (p. 163, Morley's ed.), says the Puritanical Curate of St. Katharine's, Christ Church, "forsaking the altar," said Mass "in English," and "towards the North." Canon Edgeworth, in the reign of Mary, enumerating the changes under Edward, says nothing of the mode of placing the table, but describes how the officiating minister "anon, by commandment, turneth his back Southward and his face to the North, and finally, after the last book that way set forth, he turned his face to the South" (*Sermons*, 1557, fol. cccxiii.). See below, p. 59.

<sup>15</sup> *Wriothesley's Chronicle* (Camden Society), ii.-47. Hooper's requirement, in May, 1551, that "the Minister in the use of the Communion and Prayers thereof turn his face towards the people,"



*The Greyfriars' Chronicle* (p. 69) says distinctly that the table was at that time "set beneath at the vail North and South." The Romish controversialists Huggard, Dorman, and Rastell cited in the *Judgment* made great fun of the Protestants for changing the *place* of the table into the transepts, or at the West end, and also of the variety of the ways in which the order to "stand afore the midst of the altar" was fulfilled by those who had to officiate under that rubric at a moveable table placed anyhow. But neither the Romanists nor the Puritans ever so much as hint that the "lengthwise" or "crosswise" placing of the table formed any part of the controversy at that time. Bucer complained in his *Censura* that the Mass was imitated by "having the table *where* the altar was."<sup>16</sup> Dorman, who is quoted<sup>17</sup> with singular disregard for verbal accuracy, does not so much as hint at a "table set east and west." As a fact, so long as the wooden table was moveable, and the officiant faced either North, South, or West, it was matter of supreme indifference to everybody which way the table itself happened to be ranged. Its square form, where that shape was adopted, would prevent any such controversy being even thought of. Moreover, the foreign Churches of Protestant Refugees had their tables ranged "crosswise," or, as Bishop Williams in the next century preferred to style it, "altarwise."

R. C. writers agree that Edwardian celebrants faced *every way but East*. See p. 57.

Edwardian Puritans placed their Tables North and South.

In John A'Lasco's church in London, the table was placed (A.D. 1550) with its ends north<sup>18</sup> and south. So, too, Pullain's church at Glastonbury (A.D. 1551) had the table placed "in sight of the congregation," the minister facing them, the elements being placed at the ends (cornua) of the table. So, too, Coverdale (Bishop of Exeter in 1551) in his translation of the Danish Liturgy,

and as to the table, that it be not "decked *behind* and before, as the altars were wont to be decked" (*Later Writings*, pp. 128, 142), implies that the table stood crosswise.

<sup>16</sup> Dixon, iii.-291.

<sup>17</sup> *Judgment*, p. 23.

<sup>18</sup> *Forma ac ratio*, p. 252.

the first edition of which was published before 1546, describes the priest as "standing afore the table" *when addressing the congregation*, but the two priests who distribute the bread and wine as standing one at one "end," the other at the other.<sup>19</sup> The very same arrangement was adopted by the English Puritans at Frankfort in 1554.<sup>20</sup> "In the church of the Walloon congregation, in the crypt of Canterbury Cathedral, there is to this day the table at the west end of the church, with a bench all round it for the communicants to sit at; but the table stands *across* the church, north and south," says Archdeacon Harrison.<sup>21</sup>

By altering the punctuation of the rubric, and by throwing its two sentences into one, the spiritual judges at Lambeth contrived to transfer the half-phrase "side of the table" to the direction for *placing* the table, which had been separately dealt with in the previous sentence. Whereas, it was the position of the celebrant *relatively* to the table, *however it might be placed*, which formed the subject of the second sentence. This was clearly indicated in the Prayer Books of 1552, 1559, and 1662, the text of which the "spiritual judges" have misrepresented, and their decision was directly based upon the confusion thus artificially created. No "secular" tribunal would thus tamper with the text which it professed to interpret. No Prayer Book ever yet printed contains the rubric in the form in which it is cited in the *Judgment*, p. 22.

The "historical research," embodied in this Judgment, receives a curious illustration in the statement about Ridley (*Judgment*, p. 20)—

"In his own cathedral on June 11th [1550], he substituted a table, and by removing the screen *behind* it threw it into the midst of the choir."

<sup>19</sup> Coverdale's *Works*, P. S., Vol. I., pp. 473-476.

<sup>20</sup> *Liturgia Sacra seu ritus Ministerii in Ecclesiâ Peregrinorum*, pp. 22, 92. Compare Bishop Scambler's plan at Northampton in 1571. *Strype's Annals*, II., i.-135.

<sup>21</sup> *Charge*, 1875, p. 68.

Rubric mis-  
quoted by  
Spiritual  
Judges.

The altar's  
"side."

FOXE who is given as the voucher, says nothing of the kind. He says, "In the church of Paul [Ridley] brake down the wall standing then by the high altar's *side*."<sup>22</sup> But the back of an altar was never called its "*side*." And, as we learn from the contemporary *Greyfriars' Chronicle* (p. 75), it was not until October 25th, 1552 (more than two years afterwards), that Ridley destroyed "all the goodly stone-work that stood BEHYNDE the high altar, and the place for the priest, dekyne, and sub-dekyne."

STOW, himself a Londoner, who was twenty-seven years old at the time, says—

"After the feast of All Saints [November 1st, 1552], the upper quire in St. Paul's Church in London, where the high altar stode, was broken downe and all the quire thereabout."<sup>23</sup> Wriothlesley, also a contemporary, says the same.<sup>24</sup>

The "wall" which had been destroyed by Ridley in 1550, was doubtless for the support of a canopy or of curtains, which, according to Durand, should hang "on either *side* of the altar."<sup>25</sup> But the Court preferred to quote Fox at second-hand through Wheatley, a country clergyman in the eighteenth century, to the disregard of his own clear and definite statement. It deserves notice that in this, the very *earliest* and the only contemporary

<sup>22</sup> *Acts and Mon.*, vi.-7. Robertson's note on Heylin's *Hist. Ref.* (Eccl. Hist. Soc. edit.), p. 207, shews the source of Wheatley's error. Collier (A.D. 1708-14), avowedly copied from Heylin.

<sup>23</sup> *Annals*, p. 608.

<sup>24</sup> *Chronicle*, ii.-79.

<sup>25</sup> "*Cortinis quæ sunt in utroque latere altaris*" (Lib. iv., cap. 39). Durand describes the Bishop-celebrant as standing until the Offertory, "*not before the altar but removed from it, at its right side*" (cap. 11). So in the fourteenth century, the synod of Cambrai ordered "curtains called wings," to hang at the "*sides*" of the altar (Martene and Durand, *Ampliss. Collect.*, vii.-1298). Dr. Rock, in his *Hierurgia*, ii., p. 742, describes the illuminated frontispiece to a life of Thomas à Becket, as showing an altar "at the *sides* of which are suspended two veils." Cranmer had two editions of Durand (*Burbidge*, pp. xiv., xxviii.), so that he was familiar with the term "*side*" as descriptive of what the Judgment calls the "*short end*" of the altar. (See below, p. 46.)



use of the word "side" hinted at by the Court, it did not bear the alleged meaning.

The Spiritual Court alleges "Hogarde" as a voucher; but this "new light" was snuffed out as long ago as 1637 by Heylin the historian on this wise—

"You call Miles Huggard for a witness: most sure Miles Huggard tells you no such matter."

After quoting his words as given in the *Judgment*, he proceeds—

"How say you now? Doth Miles say anything of placing the table end-long. He saith it was removed from the wall where it at first stood, that one might go between the said wall and it; and so I hope it might stand North and South; but that it was placed end-long, not one word saith Miles."<sup>25</sup>

Heylin's remark applies also to every other second-hand quotation made by the Court relative to the reign of Edward VI. The controversy was terminated in 1552 by the adoption of our present rubric ordering the table to stand "where Morning Prayer and Evening Prayer be appointed to be said," and the Minister to stand at "the North side of the table" irrespective of its varying shape or situation. The effect of this rule was to leave the placing of the Table perfectly optional while insisting that the Ministers should avoid, as before, the Eastward Position, and should be restricted to a certain uniformity by always facing South. That this was the meaning of the rubric, nobody doubted. Papists and Puritans, Scot and Fulke, Williams and Laud, Heylin and Prynne, Cosin and Smart, agreed that the minister must stand (facing South) to the Northward of the Table in order to fulfil the requirements of the rubric; and that this was in order to differentiate his action from the sacrificial, or mediatorial attitude of the Mass-priest.

Rubric fixed position of Minister: not shape or axis of Table.

The Venetian Ambassador in May, 1551, describes what had been the usage before the 1552 book issued. He says, "they use bells and organs, but neither altars, nor

<sup>25</sup> *Antidotum Lincolnense*, p. 51. Heylin's *Coale from the Altar*, 1636, was written at Wren's request.

images, nor water nor incense nor other Roman Ceremonies . . . they dismiss the non-communicants from the choir.”<sup>27</sup>

On August 19th, 1554, another Venetian Ambassador wrote a description of the then disestablished Anglican rite. He said—

“They suppressed every sort of light in the churches . . . in the place where the choir used to be they had a table, covered with a cloth, on which they put common bread and wine, making the communicants kneel *round* it.”<sup>28</sup>

Archdeacon PHILPOT (who was burned at Smithfield the following year) asked, “Where hath Christ ordained it that any one person, clothed after the manner of players and counterfeited, turned from the people, standing at the altar?”<sup>29</sup> Neither he, nor any other writer of the period, suggests that a “lengthwise” placing of the table occupied anybody’s mind at that time, though the Court by using inverted commas in more than half a dozen instances suggests that “altar-wise,” “Table-wise,” &c., exist in the original when that is not the case.<sup>30</sup> At page 20, “Burnet” (*sic*) is given as the sole voucher for a statement he does not make, viz., that “great contests arose *both* as to whether the table was to be placed ‘lengthwise’ or ‘crosswise,’ and *also* as to how the minister should stand.” Had the draftsman of the Judgment supplied the page reference (viz., *Hist. Ref.*, II.-i.-327, ed. 1829), his colleagues might have detected the fallacy.

Again at page 93, Burnet is adduced as fixing the date of the Royal Visitation Articles of 1549, whereas Burnet is really speaking of Cranmer’s Diocesan Articles which,

<sup>27</sup> *Venetian State Papers*, V., pp. 347, 353.

<sup>28</sup> *Ibid.*, p. 556.

<sup>29</sup> *Writings*, 408.

<sup>30</sup> Thus “altar-wise” is twice wrongly attributed to the Canon of 1640 (pp. 23, 109), to Archdeacon Kent (p. 24), and to an Order of the House of Lords (p. 110) : to balance these, the Court also marks (*Judgment*, p. 109), with inverted commas, without the slightest warrant, the word “table-wise” as from the return of 1565 (printed below at p. 27), and as from the *Lords’ Journal* (pp. 110, 114). See below, p. 26, note 21.

on the preceding page, the Court had dated "1547-8"; and on page 68 words are attributed to Burnet which he certainly did not use. His actual language will be found at *Hist. Ref.*, II.-i.-211, a reference which the Court failed to furnish.

#### UNDER ELIZABETH.

The Court suggests that the new rubric about the "accustomed place" modified the power of the Ordinary (*Judgment*, p. 24). But this is bad "law" founded on bad "history." For the rubric in question was an illegal and fraudulent substitution for the one enacted by Parliament in the 1 Eliz., c. 2. Sec. 3, of that Act enacted the

"Book authorised by Parliament in the said fifth and sixth years of the reign of King Edward VI., with one alteration or addition of certain lessons to be used every Sunday in the year, and the form of the litany altered and corrected, and two sentences only added in the delivery of the Sacrament to the communicants, and NONE OTHER OR OTHERWISE."

The *printed* Prayer Book of 1559 was not itself enacted, and it had no legal value whatever, except so far as it was in exact conformity with the description given in the statute.

It was the duty of the Spiritual Court before emitting a legal opinion to have compared the rubric as enacted by Parliament with the "rubric" (?) as actually printed by the Queen after the passing of the Act.

##### *Statutory Rubric of 1559.*

The morning and Evening Prayer shall be used in such places of the Church, Chappel, or Chancel, and the Minister shal so turn him as the people may best hear. And if there be any controversie therein, the matter shall be referred to the Ordinary, and he or his deputy shall appoint the place. And the Chancels shall remain, as they have done in times past.

##### *Elizabeth's alteration.*

The morning and Evening Prayer shall be used in the accustomed place of the Church, Chappel, or Chancel, except it shall be otherwise determined by the Ordinary of the Place. And the Chancels shall remain, as they have done in times past.



Fraud-  
Rubrics in  
Elizabeth's  
printed P. B.  
not "law."

The fact of this illegal substitution was pointed out by Bishop Gibson<sup>1</sup> and by Bishop Cosin,<sup>2</sup> as well as by Mr. Clay, in his preface to *Elizabethan Liturgies* (p. xiv); it was complained of by the Lord's Committee of Divines, 1641, and at the Savoy;<sup>3</sup> and so far from the fraud-rubric being recognised by the "Ordinaries," they continued to ask in their Visitation Articles whether the Minister stood as directed by the still *legal* (though *unprinted*) rubric of 1552—

"Whether your Minister so turn himself and stand in such place of your church or Chauncell as the people may best hear the same."

This inquiry is taken from the Articles for the Deanery of Shoreham<sup>4</sup> in 1597, but the same language will be found in Archbishop Sandys' Articles of 1571<sup>5</sup> and 1578,<sup>6</sup> in Archbishop Grindal's of 1571<sup>7</sup> and 1576,<sup>8</sup> in Bishop Wickham's<sup>9</sup> 1585, in Archbishop Piers's 1590,<sup>10</sup> and Bishop Chaderton's of 1598<sup>11</sup> and 1604,<sup>12</sup> and Bishop Williams's 1622.<sup>13</sup> Three of these "Ordinaries," by the way, were Bishops of Lincoln. Nor was it till 1662 that either the so-called "Ornaments Rubric" of Elizabeth, or this one as to the "accustomed place" acquired any "authority of Parliament."<sup>14</sup>

The Injunction of 1559, by ordering the table to stand at Communion time "within the chancel," did in fact restrict the liberty given by the rubric as to placing it in "the body of the church," wherever the reading-pew happened to be in the nave. The Court in citing this Injunction omits to mention that it assigned as a reason for removing the altars "the better imitation of *the law in that behalf*:" also that where tables

<sup>1</sup> *Codex*, p. 297.

<sup>2</sup> *Works*, v.-438.

<sup>3</sup> *Card., Conf.*, pp. 273, 314.

<sup>4</sup> British Museum. "698, g. 29."

<sup>5</sup> B. M. "698, h. 20."

<sup>6</sup> *Rit. Rep.*, p. 421.

<sup>7</sup> *Rit. Rep.*, p. 407.

<sup>14</sup> See *Tomlinson on the Prayer Book*, pp. 91-167.

<sup>8</sup> Grindal's *Remains*, p. 157.

<sup>9</sup> B. M. "5155. a. 20."

<sup>10</sup> B. M. "T. 1014."

<sup>11</sup> B. M. "5155. a. 20."

<sup>12</sup> *Rit. Rep.*, p. 447.

<sup>13</sup> B. M. "1368. d. 38."

Injunctions  
of 1559.

had already been substituted it was "according to the form of *the law therefore provided*;" whereas the Romanists did not rest their hopes of retaining their altars upon the Act of Uniformity, but (so the Injunction says) upon "opinion conceived of some OTHER order therein TO BE taken by Her Majesty's visitors" under the proviso of the Act of Uniformity.

The direction that tables were to be set in "EVERY" church was positive: so that the Duke of Norfolk, writing to Cecil from Newcastle, January 10th, 1560, complained of "the altars standing still in the churches *contrary to the Queen's Majesty's proceedings*."<sup>15</sup>

Archbishop Parker inquires accordingly, "Whether your altars be taken down according to the *commandment in that behalf given*,"<sup>16</sup> and similar language is used by the Elizabethan Ordinaries generally. Bishop Tunstal having objected on August 19th to the visitors pulling down altars, was deprived September 28th, 1559.<sup>17</sup>

Altar being gone, the accessory follows the principal.

This has a direct bearing upon the "setting two lights *upon the high altar*," as directed by the Injunction of 1547, yet the Archbishop's Court overlooks, or conceals, every one of the above-named features of the Injunction of 1559 which is quoted so sparingly (*Judgment*, p. 23).

On December 16th, 1559, at the consecration of Archbishop Parker, the chapel was adorned at the East end ("ad orientem"), and the table also was at the East ("mensa quoque . . . ad orientem sita erat").<sup>18</sup>

In Elizabeth's own chapel she set up a table "in the place of the altar."<sup>19</sup> On November 1st, 1559, she "restored the high altar to its place *against the wall*."<sup>20</sup> Strype notes that this position "altar-wise" was observed

Proofs of N.S. usage under Elizabeth.

<sup>15</sup> *Ambrose Barnes*, Surtees Soc., p. 280. For removal of altars, tabernacles, images, and setting up Communion table "and frame" in 1 Eliz., see *English Historical Review*, XI.-526.

<sup>16</sup> *Ritual Report*, pp. 403-2. Strype, *Annals*, I.-ii.-497.

<sup>17</sup> *S. P. Dom. Eliz.*, p. 137. Machyn's *Diary*, p. 214.

<sup>18</sup> Bailey's *Ordinum Sacrorum Defensio*, p. 10.

<sup>19</sup> Rishton's *Continuation of Sanders*, p. 271.

<sup>20</sup> *State Papers, Foreign, Eliz.*, November 2nd, 1559.

on March 6th, 1560.<sup>21</sup> In 1561 the Queen issued a further Order directing "that there be fixed upon the wall, over the said Communion-board, the tables of God's precepts," and the Royal Advertisements of 1566 specified "the East wall over the said table."<sup>22</sup> In 1562 the Synod sat which adopted the Thirty-nine Articles. Among its records is the following document, of which two copies are extant, both of which, by the courteous permission of the authorities, I have carefully examined. One copy, still remaining among Archbishop Parker's papers, at Corpus Christi College, Cambridge,<sup>23</sup> is headed "Articles for government and order in the church exhibited to be admitted by authority, but *not allowed*." The Twenty-fifth Article is "For the standing of the Communion table. That it shall stand *no more* altar-wise, but in such *place* decently as is appointed by the Book of Common Prayer."<sup>24</sup> The other copy is among the Petyt MSS. in the library of the Inner Temple, Vol. 538, 47—"Articles drawn out by some certain, and were exhibited to be admitted by authority, but were *not so allowed*." Among these is one "That the table from henceforth stand *no more* altar-wise, but stand in such *place* as is appointed by the Book of Common Prayer."<sup>25</sup>

Now this extract is fatal to the contention of the draftsman of the "Archbishop's Judgment," because it shews that so far from tables being *then* ranged length-wise, the table was assumed to be standing "altar-wise," when the "North side" rubric was fresh from the mint, and that a proposed change in that respect was rejected by

<sup>21</sup> *Annals*, i.-297. The *Judgment*, p. 96, refers to this very passage, but is careful *not* to quote the word "altar-wise," since that would have refuted Bishop Williams's theory. See above, p. 22, note 30.

<sup>22</sup> Both these are reprinted in Miller's *Guide to Ecclesiastical Law*. (J. F. Shaw.) Price 1s.

<sup>23</sup> Vol. CXXI., Article 27, p. 267.

<sup>24</sup> See Strype's *Annals*, I.-ii.-562.

<sup>25</sup> Cf. Strype's *Annals*, I.-475.



Convocation after due debate. It shows also that the "place" of the table (viz., on the *site* of the altar, or otherwise) was the point insisted on in the sixteenth century.

1564. King's College, Cambridge, "the communion table which stood North and South."<sup>26</sup>

1564. Rastell taunts Jewel—

"First of all, you should turn your face toward the East in common prayer. . . . And why therefore is not the order expressly kept in the Communion book but *expressly* rather it *appointeth the priest to stand at the North side of the table?* . . . if you say the standing maketh no matter: suppose it to be so, and *wherefore did then you not let things stand when they were well?*

"Then to come to the Apostles—where did you ever read that in their external behaviour they did wear frocks or gowns, or four-cornered caps or rochets? . . . or that at their prayers they sate in sides, or *looked towards the South?*"<sup>27</sup>

1565. Archbishop Parker sent to Cecil, the Prime Minister, an abstract of the returns which had been made to him on February 28th, in partial fulfilment of the Royal Mandate of January 25th. In this return the report ran—

"*Table.* The Table standeth in y<sup>e</sup> body of y<sup>e</sup> church in some places, in others hit standeth in y<sup>e</sup> chauncell.  
In some places the Table standeth *Alterlyke*<sup>28</sup> distant from y<sup>e</sup> walle a yarde, in some others in y<sup>e</sup> midst of y<sup>e</sup> chauncell *North and South.*  
In some places the Tables ys joyned, in others hit standeth uppon Trestells.  
In some y<sup>e</sup> Table hath a carpet, in others hit hath none."

This entry is important as shewing that the "likeness" to an altar was supposed then to consist in its standing apparently in the altar's site (as directed by the Injunctions), *not* in "standing North and South," which the tables "in the midst of the chancel" also did.

<sup>26</sup> *Hierurgia Anglicana*, p. 149.

<sup>27</sup> *Confutation*, pp. 30, 146 b.

<sup>28</sup> *Lansdowne MS.*, viii. folio 16. The Archbishop, following Strype, misprints the word "altar-wise," and himself substitutes "1560" for the true date, viz., February, 1565 (*New Style*).

"North side"  
a breach with  
Mediaevalism.

"Historic continuity" was thus deliberately set aside, since no part of the Mass (save the reading of the Gospel) had ever been said at the North side, the South being the place for the opening part of the pre-Reformation rite.<sup>29</sup> The novel position at the "North side" secured that the face of the celebrant should be seen, his words heard in the mother tongue, and the sacramental "action" or rite be visible to all whom it might concern. These were the only points upon which stress was then laid.

The Royal Advertisements of May, 1566, were the taking of Order by "Commissioners under the great seal for causes ecclesiastical" in obedience to the mandate of the Crown, bidding them to "proceed by Order, Injunction, or censure." These Advertisements put a stop to the breaches of Uniformity revealed by the returns above quoted, and regulated the dress of the "principal minister" and his assistants, also the coverings of the table and the placing of the Commandments over it—but they *left entirely untouched* the "varieties" in placing the tables. Only Canterbury Cathedral is returned as placing its table "East and West," and even there only at Communion times "once a month." Canterbury had several other odd customs, for example, Daily prayer and the ante-Communion office were sung *at the table*, the minister "standing on the East side of the table with his face toward the people."<sup>30</sup> But this Canterbury return is the *sole instance known of the placing the table "endwise" during the entire reign of Elizabeth.*

That the point had not been overlooked by the framers of the Advertisements of Elizabeth, is shown by the action of one of the signatories, viz., Bishop Bullingham,

<sup>29</sup> See Maskell, *Ancient Lit.*, p. xix., note 19. *Lay-folks' Mass Book*, p. 174. Compare *Edgeworth*, cited above, p. 17, note 14.

<sup>30</sup> The rubric was violated also by having administration of Sacrament but "once a month." Cf. *Eliz., Liturgy*, Parker Soc., p. 198. Strype's *Parker*, i.-365. It will be remembered that the solitary instance in the reign of Edward (*supra*, p. 17) was not under the "North side" rubric. These two precedents exhaust the entire evidence of the alleged "lengthwise" usage at the time the rubric was framed or re-enacted.

who, as visitor of King's College, Cambridge, monished the Provost "to destroy a great deal of popish stuff," among which were "candlesticks, crosses, pixes, paxes, and the brazen rood."<sup>31</sup> The Provost, Philip Baker, disobeyed. Among other misdemeanours he

"used Mr. Woolward very extremely (who was afterwards fellow of Eton) because he would not execute the service at the Communion with his face toward the East and his back to the congregation, according to the manner of the Mass."<sup>32</sup>

To escape deprivation, Provost Baker withdrew to Louvaine to join his co-religionists there.<sup>33</sup> Yet no change was ordered as to the placing of the table.

John Rastell, replying (A.D. 1564) to Bishop Jewel, said—

"Your order of celebrating the Communion is so unadvisedly conceived, that every man is left unto his private rule or canon, whether he will take the bread into his hands, or let it stand at the end of the table, the bread and wine being laid upon the table, where it pleases the sexton or parish clerk to set them."<sup>34</sup>

This implies that the bread was placed at the "end" where the celebrant was standing; for at that time there was no rubric authorising him either to "place" or to "order" the elements, or to perform what are now called the "manual acts." Lower down Rastell speaks of the minister as looking toward the South."<sup>35</sup>

Jewel wrote, "as touching the Mass,"

"What father or doctor taught us . . . that the priest should hold the bread over his head, and *turn his back to the people* . . . yet some men,' he adds, 'of late times have beaten it into your heads

<sup>31</sup> Strype's *Grindal*, pp. 210, 215, and *Whitgift*, i.-36. Bullingham preached against "Candles at Noonday." (*Lambeth MS.*, No. 739, pp. 34, 48.)

<sup>32</sup> *Lansdowne MSS.* viii.-53, from which Strype misprinted "table" for "congregation."

<sup>33</sup> *Grindal's Remains*, p. 308. Sentence of deprivation was ultimately pronounced by the Visitor, Bishop Cox, February 22nd. (*Cole MS.*, I.-135.)

<sup>34</sup> *Confutation*, p. 25.

<sup>35</sup> *Id.*, p. 146, b.



that these and many like things have come by succession, even from the primitive Church and from the Apostles. . . . But in the mean season they have not dealt justly with you, but have done wrong both to Christ and to His Apostles.'"<sup>36</sup>

Becon, in 1559, wrote—

"Christ . . . sat at a table, beholding and looking upon them most friendly and familiarly. The massmonger . . . turning himself from the people, standeth at an altar after the manner of Aharon."<sup>37</sup>

The same thing is shewn also by the reply of Dr. Fulke (Master of Pembroke Hall, Cambridge), A.D. 1579, to Rastell, saying—

"He demandeth, why we take not the bread into our hands, before we consecrate it as Christ did? As though Christ appointed at what moment we should touch it, or, that Mr. Rastell is able to say, that Christ spake nothing of His institution *before* He touched the bread; or as though we did not use ordinarily before we make the exhortation unto the Communion to take the bread and break it, and with the cup set it before us, and not *let it stand* at the end of the table, as he belyeth us, as though we were ashamed to follow Christ."<sup>38</sup>

Again (p. 720)—

"And he will know of us wherefore we appoint the priest to stand on the Northside. [*sic.*] Verily for the same reason, that the Primitive Church did choose to pray toward the East, viz., to avoid the superstition of the Jews, that prayed to the West, *as we do to avoid the superstition of the Papists* that use to pray to the East, otherwise all quarters of Heaven, of their own nature, are indifferent for us, to turn ourselves unto in our prayers, either public or private."

In the same volume (p. 399), in his reply to D. Heskins, he contends that the primitive table, though "improperly" called an "altar," was a "table and nothing like the Popish altars which are of stone and set against a wall, for they stood *in the midst* of the Church."

In his *Defence of Translations* (p. 517), Fulke again makes it the distinction between "altar" and "table," that the latter stood detached from the wall: but he

<sup>36</sup> *Works*, II.-990.

<sup>37</sup> *Works*, iii.-356, cf. 266, and ii.-455. (Parker Soc.)

<sup>38</sup> "D. Heskins, D. Sanders, and M. Rastell, &c., overthrown," p. 781.

nowhere hints that its being "lengthwise" or "crosswise" could have any bearing on the matter.

Cartwright in his reply to Whitgift (A.D. 1573)<sup>39</sup> complains that after Morning Prayer, the minister "for saying another number of prayers, climbeth up to the farther end of the chancel, and runneth as far from the people *as the wall will let him*:" and again, in his second reply, A.D. 1577 (p. 186), "the minister readeth some in the hither, some in the upper part of the chancel, as far from the people *as the wall will let him go*." In 1589 was published, "*A Collection of certain slanderous Articles given out by the bishops against such faithful Christians as they now unjustly detain in their prisons*," of which there are two copies in the British Museum, T $\frac{1013}{10}$  and T $\frac{1013}{8}$ . Under Article 7, it denounces "new apocrypha lawes and Injunctions added, to the priest to stand at the North end of the table." Table remained on site of Altar.

So in 1590, the Puritan Barrow, by way of abusing the Prayer Book, in his *Brief Discourse of the False Church* (p. 101), says—

"By their Service Book . . . in the public Communion the priest (arrayed in his ministerial vesture) is placed at the North end of the table, and there is to read his certain. He is there nurtured when to turn to the table, when to the people, when to stand, when to kneel, what and when to say. The people (after they have offered to the priest) are in their place to kneel down to say and answer the priest at his turns and times, as is prescribed in their Mass Book; where (after Sir priest hath taken a say, and begun to the people) he delivereth unto them as they kneel," &c.

Here it is to be noted that the Puritans do not complain that this was any violation of the rubric; nor did the Elizabethan Puritans complain of the practice itself except on the ground of *distance* from the congregation.

"When the Puritans obtained their will, it was not a simple turning of the Communion tables East and West, instead of North and South, that they desired and effected. In Hooker's parish of Bishopsbourne,

<sup>39</sup> Lib. i., p. 134. Whitgift's *Works*, ii.-461.

when a Puritan got possession of his parsonage, 'it was not long,' says Izaak Walton, 'before this intruding minister made a party in and about the said parish, that were desirous to receive the sacrament as at Geneva: to which end the day was appointed for a select company, and forms and stools set about the altar or Communion table for them to sit and eat and drink.'"

Utilitarian  
origin of  
E-W.  
(lengthwise)  
position of  
Table.

All this time the rubric permitting the table to stand at the Communion time "in the body of the Church . . . where Morning Prayer and Evening Prayer be appointed to be said," retained its statutory force. Hence, in some churches at least, the table continued to be taken down<sup>41</sup> into the nave in spite of Elizabeth's Injunction, and this usage was formally sanctioned by the eighty-second Canon of 1604, ratified by the Crown. Meantime, the reading desks began (A.D. 1562) to be placed—first, outside the chancel-screen, and then half-way down the nave. The pulpit being there too, the pews, which grew up rapidly in the Jacobean period, swung round to enable the congregation to face the preacher. Thus a narrow alley<sup>42</sup> was left down the centre, into which "at the Communion time" the table had to be set, "where Morning Prayer," &c., was said, *i.e.*, in contiguity to the reading desk.

To enable the communicants to kneel round a table so placed, the endwise position was naturally most convenient—in many cases it was inevitable; and this in country churches came to be the general practice.

<sup>40</sup> Archdeacon Harrison's *Charge*, p. 67. Cf. Keble's *Hooker*, iii.-573. Gardiner's *Hist.*, viii.-54.

<sup>41</sup> Bishop Pilkington directed it to stand in the nave "in all places within the diocese of Durham," A.D. 1562 (*Surtees Soc.*, Vol. 21, p. 119). Bedell, Bishop of Kilmore, had the table placed "not at the east end, but within the body of the chancel" (*Life*, Camden Soc., p. 148).

<sup>42</sup> Bishop Gardiner, in his *Advice to the Clergy of the Diocese of Lincoln*, p. 22, says—

"Finding great inconvenience in consecrating in so strait a place as an ally of the church . . . one cannot but wonder that . . . rectors should not take care to fit their chancels for this purpose."



Though contrary to the Injunctions and to the Canon, the table was left permanently in its new site, and much irreverence and many abuses resulted, which Laud (who had been ordained two years before the death of Elizabeth) set himself to remedy.

The "country churches" of Williams's time were certainly no models of rubrical exactness. The Rev. Nicholas Pocock says—

"The men wore their hats or not, as they pleased, and the Communion table which stood in the midst of the church, was made a receptacle for such hats and cloaks as were not worn, being also frequently used as a seat by those who failed to find sitting room in the pews. It was a common practice for the clergy not to wear surplices."<sup>43</sup>

Clearly the "cathedral and collegiate churches" were then the most conservative custodians of ritual traditions.

Had Laud trusted to moral suasion his efforts might have been crowned with success. But, unhappily he was not content with insisting that the table must be taken back after Communion time to its old place—" *Suo certo loco*," as the Canon of 1604 calls it—but he insisted, in spite of the eighty-second Canon, upon railing it in as a *fixture* at the East end, and he persecuted everybody who refused to obey his individual behests.

The cruel oppressions of the High Commission and Star Chamber Courts, and their invasion of the liberties of the Commons, are matters of general history; but they contributed to determine the action of Laud's great rival, Bishop Williams. Laud's high-handed proceedings were deservedly unpopular, and in 1641 the House of Lords ordered—<sup>44</sup>

"That the said Lord Bishop of Lincoln [Williams] shall in his said visitation take order to put in practice two several orders of this

<sup>43</sup> *E. C. U. Gazette*, December 6th, 1890, p. 386. See below, p. 41. Gardiner, x.-15.

<sup>44</sup> *Second Report Rit. Comm.*, App. 556. Nalson (ii.-483) says the Commons refused to join in the Lords' declaration of September 9th, 1641.

House," viz.: "That every Lord Bishop in his several diocese shall give directions and take care that the Communion table in every church in his diocese do stand decently in the ancient place where it ought to do by law and as it hath done for the greater *part* of these three score years *last past*."

Nothing was said by the Lords as to placing of the Table N. S. or E. W. as misrepresented in the *Judgment*, p. 110. Indeed the Lords *refused* to concur with the Commons on this point though Bishop Williams was their "reporter" in the Conference between the two Houses.

There is in the British Museum ("E. 171") "A Declaration of the Commons, 1641," complaining of the non-concurrence of the Lords in their order of July 16th, 1640. Lord Selborne has shown in his *Notes on Liturgical Passages*, pp. 35-42, that the so-called "Report of a Committee of the House of Lords," mentioned in Cardwell's *Conferences*, pp. 270-277, was not a Report at all, but merely a paper of complaints submitted for investigation to a Sub-committee of Divines, who never reported.

Not a single bishop paid heed to the direction, save Williams, whose articles of 1635 had merely inquired—

"Whether is it so used out of time of Divine service, as is not agreeable to the use of it; as by sitting on it, throwing hats on it, writing on it, or is it abused to profaner uses." <sup>45</sup>

These words, published twenty years after <sup>46</sup> Laud had

<sup>45</sup> *Rit. Rep.*, App., 551. "In the year 1637 [the year *after* the issue of the anonymous tract '*Holy Table*'] the Archdeacon of Bucks, in *Williams's own diocese*, asks whether the table was at the East end of the chancel and inclosed with a rail" (Lathbury's *Hist. Common Prayer*, p. 166).

<sup>46</sup> In 1616, Laud wrote on February 27th to Bishop Smith of Gloucester, saying, the table was at the East end in "all cathedral churches in the kingdom which I have seen": also, on March 3rd, he wrote to Bishop Neile. Both letters describe the Gloucester table as "in the middle of the quire," but neither mentions it as placed lengthwise (Laud's *Works*, vi.-239).

begun his reforms, were omitted after the Parliamentary A.D. 1641  
Order to make room for this— 60

“Doth your said Communion Table stand in the ancient place A.D. 1581,  
where it ought to do, *or* where it hath done for the greatest *part of* *i.e.*, nearly  
these sixty years *last* <sup>47</sup> past, or hath it been removed to the East end, 30 years *later*  
and placed altar-wise, by whom, and whose authority hath it been so than rubric.  
placed?” Cf. Gardiner, viii.-115.

“The greater part of these three score years last past” was the outside claim put forward, but that only takes us to 1581, thirty years too late to serve as a contemporaneous witness to the meaning of the rubric, and virtually admits that the previous usage had been otherwise. In 1627 (two years after he had lost his post of Lord Keeper),<sup>48</sup> Williams wrote his celebrated letter to the Vicar of Grantham, in which he broached the theory that “side” could mean only the longer side of an oblong<sup>49</sup> table. This, however, was not in itself the real point of contention, nor was the theory in accordance with Williams’s own practice; it was only valued as an argument for thwarting Laud’s wish to *fix* the table against the East wall “altar-wise.” The rubric was the same for cathedrals and bishops’ chapels as for “country churches,” yet in his own private chapel at Bugden, and at Westminster where, as Dean, he was also Ordinary, Williams had the table placed “altar-wise”: at Lincoln also, where he was Bishop, the table had its ends North and South; and on October 31st,

Novel theory of Smart and Williams adopted by Prynne.

<sup>47</sup> These “round numbers” clearly did not *understate* the claim made; yet the Court says (p. 22), that in 1627 Williams was “speaking *of course* of the last seventy-five years,” which would include the reign of Mary! The Court alters Heylin’s figures by adding (instead of subtracting) 140, so that his 469 churches become “609” in the *Judgment*, p. 113.

<sup>48</sup> Williams was not “Lord Keeper from 1621 to 1626” (*Judgment*, p. 22), but from July 10th, 1621, till his successor was appointed, November 1st, 1625.

<sup>49</sup> Dr. Johnson defines “oblong” as a parallelogram “whose *sides* are unequal”; and the *Judgment* itself has to explain (p. 109) that “END is used for distinctness, meaning a SHORT SIDE.”



1640, the Alderman's Court, at Grantham, defended the placing of their table North and South by reporting to the House of Commons that—

"The present Bishop of Lincoln' [Williams] 'at his last Visitation caused the Epistle and Gospel to be read at the Communion table placed as it now stands, and sat at the North end thereof, and found no fault, nor gave any direction to the then churchwardens to alter it." <sup>50</sup>

*The Quarterly Review* says, "the theory that the 'end' of a table is not a 'side' was born of an anxious endeavour to *twist* the rubric into an indirect command to place the table lengthwise." In this novel theory, Williams had been anticipated by a few months by the Smart's case. Rev. Peter Smart in a sermon preached (July 27th, 1628) in Durham Cathedral, which is remarkable for several things. It was the first sermon which this Divine had delivered for seven years; it was ordered to be burned by the Archbishop of York, and it cost the preacher the loss of all his preferments, and even led to his degradation from clerical office. These severe sentences were pronounced, after ruinous litigation, on November 18th, 1630. Smart was further fined £400. The question arises, was Smart a martyr or was he a knave? <sup>51</sup> If the former, it shews how little the administration of justice could be relied on during the Laudian ascendancy. If the latter, what becomes of the value of Smart's testimony upon which the Court chooses to rely? Smart's brother prebendaries sent an information against him on the very Sunday on which his sermon was delivered, all of them were actually members of the High Commission which was to try him. <sup>52</sup> It is obvious that Smart's "indictments" in the following year were a mere countermove between himself and the rest of the staff at

<sup>50</sup> *S. P. Dom*, Chas. I., p. 204. Cf. *Judgment*, pp. 24, 112.

<sup>51</sup> Gardiner, vii.-45, calls Smart "an inaccurate, if not consciously mendacious reporter." For his estimate of Williams's character, see *Hist.*, iii.-355; v.-126, 210; viii.-252.

<sup>52</sup> Rymer's *Fœdera*, xviii.-930.

Durham Cathedral. These so-called "indictments" of his are recited by the Court as though we had some authentic record of their nature and language. This is not the case. We have only two versions given in private letters by the complainants themselves, and these not agreeing as to what the charges actually were. Cosin is not said in this "indictment" of 1628 to have either officiated at the West of the table, or to have burned lights "before the Sacrament." When the charges took definite and formal shape, which they did in his ultimate impeachment before the House of Lords, Cosin denied them on oath. Smart's case then broke down; his counsel told him that he was ashamed of him, and could not in conscience plead for him any longer.<sup>53</sup> Is it wonderful, therefore, that "indictments" preferred by such a person as this should have been rejected by a grand jury? Yet it ought in fairness to be added that at that time Laud abused the Royal prerogative to interfere with the administration of justice in every department.<sup>54</sup> Even the Lord Chief Justice of England was bullied in the Star Chamber, and complained that "he had been choked by a pair of lawn sleeves." On January 29th, the High Commission in London, presided over by Laud, called Smart's case away from his own Province before themselves. Cosin and his brother prebendaries had written to ask the protection of Laud and Neile, so that when Judge Yelverton, six months later, had the matter before him, "the judge's conclusion was what he would do with the indictments, carry them away with him, acquaint the bishops with them, by name the bishops of Durham, London [Laud], and Winchester [Neile], and the King also."

<sup>53</sup> Cosin, *Works*, I.-xv. Gardiner, vii.-47.

<sup>54</sup> Whitlocke's imprisonment in 1613-4 may explain his subsequent judicial action. See *Liber Famelicus*, p. 40 (Camden Soc.). Gardiner, vi.-216. For Yelverton, see Gardiner, iii.-80; iv.-23, 47, 117. The servility of the Stuart judges is easily explained but does not add to the value of their decisions.

No wonder that Cosin reporting this fact to Laud should drily add the Judge did so "for reasons *best known to himself*."<sup>55</sup> Judge Whitlock visited the cathedral and satisfied himself that Smart's charges were untrue; and the York Convocation wrote letters (February 26th, 1628) in defence of Cosin, "a prosecutione litium forensium";<sup>56</sup> but Judge Yelverton was manifestly afraid of vexing the King and his powerful Court favourite; indeed, King Charles himself wrote to the Bishop of Durham "wishing and requiring him to desist from meddling with the said . . . John Cosens . . . till We shall appoint some other to be joined with you," thus superseding the authority of the Ordinary.<sup>57</sup> Any attempt to run counter to the action of the High Commission was at that time sure to be visited as an unpardonable sin at Whitehall. Yet the breaking down of an indictment seems to "Spiritual" persons a proof that things (falsely) charged cannot be, in themselves, indictable offences!

Another precedent relied upon is the case of St. Gregory's Church, one of the most flagrant abuses of the Royal power in the administration of justice which ever stained our annals.

St. Gregory's  
case.

The St. Gregory's case was briefly this. Being a "peculiar" under the jurisdiction of the Dean and Chapter of St. Paul's, who had ordered the table to be placed at the east end (which they had a right to do) and to be *kept* there "at the Communion time" (which they had *no* right to do), the parishioners resisted the order and adhered to their ancient practice, appealing to the Court of Arches. Laud knew that this would ensure a reversal of the illegal order of the Dean and Chapter; so interest was made with the King, who, while the suit was pending, actually made an Order in Council, "that

<sup>55</sup> Parker, *History of the Revisions of the Prayer Book*, p. 334, 335.

<sup>56</sup> Wilkins, *Concilia*, iv.-476.

<sup>57</sup> Parker, *Hist. Revis.*, p. 361. Gardiner, vii.-130.



if those few parishioners before mentioned do proceed in their said appeal, *then the Dean of the Arches*, who was then attending at the hearing of the cause, *should confirm the said Order*”!

The reason for this arbitrary and utterly illegal interference<sup>58</sup> was that Sir H. Martin, the then Dean of the Arches, was known to hold a view opposed to Laud's, and that the Court of Delegates was known to occasionally absolve the churchwardens<sup>59</sup> and others excommunicated by that domineering and tyrannical prelate.

This “Order in Council” the Spiritual Court treats sometimes as an act of legislation, sometimes as a judicial “decision” (p. 25). It was in constitutional law, neither the one nor the other: but an arbitrary and despotic interference to prevent justice being done in due course of law. No monarch had a right in his executive capacity to dictate to the judge of one of his courts what sentence should be pronounced before the appeal had been even heard. And the Privy Council was not then a Court of Appeal for causes ecclesiastical which by statute (25 Henry VIII., c. 19) went to the Delegates. The Archbishop's Court suggests that this “Order in Council of 1633” was parallel to the “Order in Council of” November 23rd, 1550, mentioned above p. 16.<sup>60</sup> It had no single feature of resemblance. The older Order was made by virtue of statutory powers then vested in the Crown by the Supremacy Act 26 Henry

<sup>58</sup> “This sentence given by the king's sovereign authority, without staying for the judgment of the court to whose cognisance this matter properly belonged, was a source of apprehension to many ministers and congregations who were not willing to comply with it.”—*Rapin's Acta Regia*, p. 784. Cf. Gardiner, vii.-312, note.

<sup>59</sup> For an instance relating to placing the Tables, see *Fourth Report Commiss.*, Hist. MSS., p. 47. Laud himself mentions a similar case in the Arches. *State Trials*, iv.-398.

<sup>60</sup> This Order is misdated “1549,” *Judgment*, pp. 25, 30, and “Nov. 1551,” p. 27. Edward's right to issue Orders was formally recognised in the statutory P. B.—“Or, as is or shall be *otherwise* appointed by His Highness.”—*Liturgies of K. Edward*, p. 97 (Parker Soc.).

VIII., c. 1, repealed in 1554. It was couched in the form of an Order applicable to every diocese and sent in due course to every bishop. And it was forthwith enforced as law<sup>61</sup> by the Courts of the Realm. The Order in the St. Gregory's case was made only for a single church; its restriction of the liberty to move the table at the "Communion time" was in violation of the Rubric, of the Injunctions of Elizabeth, and of the eighty-second Canon; and, above all, this Order was an illegal usurpation of the judicature of the realm. Yet in the year 1890, a Spiritual Court selects this precedent from the eve of the Great Rebellion as furnishing a constitutional model, which might rather serve as a historic warning against the abuse of Prerogative!

Prynne un-  
trustworthy  
and incompe-  
tent as a  
witness for  
Elizabethan  
customs.

Prynne (born in 1600) is quoted in the *Judgment* as a voucher for the customs of 1552 and 1559. But as usual in this *Judgment* (though happily unusual in every other) the whole passage is not given. In the sentence mentioned at p. 21 of the *Judgment*, Prynne lays it down that the altars in 1549 were "all most perfectly square," and he repeats this (*Quench-Coal*, p. 60), "almost quite square." Can Bishop Stubbs be ignorant that this statement is untrue, and that it betrays Prynne's ignorance of the facts *at the very date* for which he is being called as a witness? Prynne also says at p. 3 that Queen Elizabeth's Visitors in the first year of her reign did "by special directions place the Communion tables throughout all the churches of England *in the body of the Church* or in the chancel" (see above p. 24): at pp. 189, 229, and 235 he makes "reading the second service" at the Communion table to be an illegal offence, and protests against kneeling at reception of the Communion. But perhaps the best illustration of Prynne's ignorance or bad faith, is the double misrepresentation given by him as to the Ornaments Rubric. Prynne states that *in the First Prayer Book* "the

<sup>61</sup> Goodriche's *Register*, fol. 18.

wearing of . . . copes, hoods, and other vestments, except only a rochet to be worn by archbishops, bishops, and surplices only by priests and deacons,' 'were totally laid aside as popish superfluities.' He next states that by the Second Prayer Book "rochets and surplices were laid aside."<sup>62</sup> These strange blunders were repeated in the edition of 1673, and since they are egregiously and outrageously at variance with all known facts, what becomes of such testimony *in pari materiâ* to "facts" of even date and therefore not within his own cognizance?

"The learned Lathbury," as the *Judgment* (p. 78) designates him, speaks of Prynne's testimony with a juster appreciation—

"The custom also of sitting covered in churches must have been prevalent, or Prynne could not have designated the order to sit uncovered an innovation. But a man who could affirm that the rubric ordered the Epistle and Gospel to be read in the same place as the Lessons cannot be taken as a guide in any matter; nor can his assertions be received unless they are supported by other and better testimony."<sup>63</sup>

Another witness adduced by the Court is an anonymous Puritan assailant of the Prayer Book, whom Bishop Cosin combatted under the name of the "Surveyor." In the second edition of the *Survey of the Book of Common Prayer*, which appeared (without printer's or author's name) in 1610, five years after Andrewes had been made a bishop, there is a long additional "Quære" at the end attacking the practice of kneeling at Holy Communion as being *contrary to the Book of Common Prayer*! Among other statements is the one quoted in the *Judgment* (p. 22), viz.: That in Elizabeth's time "the Communion tables stood, *not at the east end of the quire north and south,*

Survey of  
the Common  
Prayer.

<sup>62</sup> *Sober and Pacific Examination*, pp. 58, 59. It is due to Prynne to say that he did *not* use the "plea" put into his mouth in the *Judgment*, p. 76, nor does it "appear *l. c.*" that there were "at least many places in which they were lighted," *Judgment*, p. 77. The statement to the contrary, which he did make, is *correctly* given, *Judgment*, p. 98. See p. 99 below.

<sup>63</sup> *History of the Common Prayer*, p. 173.



but always in the midst of the quire east and west.”<sup>64</sup> On the preceding page he had admitted that the Injunctions of Elizabeth ordered the “Table to be placed like an altar,” but he suggests that the Injunctions formed “an Interim” between the Marian usages and the passing of Elizabeth’s Act of Uniformity—“till the Acte were made.” This shews how little he knew of the Injunctions which refer (*e.g.*, Nos. 18 and 44) to the Prayer Book, and were themselves issued by the Royal Visitors<sup>65</sup> who enforced that book. But though “the Surveyor” shows complete ignorance of both law and history, he is witness that *in his own day* the tables did stand “at the East end of the quire North and South;” and it is remarkable that the Court, while omitting to give a page reference, should have also omitted the words printed above in italics (that is twelve words out of twenty-six) without any indication of an omission, so as to conceal this fact which moreover refutes their statement on p. 28 of the *Judgment*, that Andrewes was introducing some “*new way*.” It has been shewn above (pp. 23-29) that “Bishop Andrewes’ way” (see below, p. 48) was the customary usage from 1559 downwards; and the whole of that evidence from the sixteenth century, *being contemporaneous with the rubric under discussion, is unnoticed by the Court.*

Cosin’s  
Articles,  
1627.

Cosin’s Articles of 1627, relied on in the Purchas Judgment, are got rid of by the Spiritual Court on this ground—

“The date, 1627, six years before the change of the place of the Table, the reference to the Injunctions, and other points, shew that Cosin refers to the North side of Tables not yet replaced altar-wise.”<sup>66</sup>

<sup>64</sup> *Survey*, p. 198.

<sup>65</sup> “Injunctiones præsentibus annexas, personis in eisdem nominatis, nomine Nostro tradendum.” (Royal Commission of June 24th, 1559. Card., *Doc. Ann.*, i.-220.)

<sup>66</sup> *Judgment*, p. 32.

This is mere special pleading. "The change of *place*" had always been optional, and it did not involve the "lengthwise" position.<sup>67</sup> Cosin's "reference to the Injunctions" of Elizabeth is found also in Juxon's Articles of 1640, and Pory's of 1665, and was continued habitually in Visitation Articles as late as the eighteenth century. In his third series of "Notes" Cosin clearly held that every table had *four* "sides," and he distinguished the West front from the North side. He said—

"There was much ado about the posture of the Table, and the priest's standing at it, in King Edward's time; for in the second year

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<sup>67</sup> See the *Judgment in Ridsdale v. Clifton*, pp. 41, 43. (J. F. Shaw. Price 3d.) Bishop Harold Browne, one of the Assessors who unhappily died before the Judgment was formulated, has very well summarised the facts in his charge of 1875. He says, "the point of chief importance to be noticed is this, that though there is a direction to place the holy table either in the chancel or in the nave (so clearly implying that it shall be moveable, like a table, not like an altar) yet *neither here nor ever afterwards*, by rubric, canon, or Act of Parliament, was there any injunction whatever by which the table, which had always stood north and south, should be turned round through an angle of 90° and stand east and west. The custom was universal that the altar or table should stand with its ends to the north and south, with its longer sides to the east and west. The only effect of the Rubric of 1552, and of any subsequent legal injunctions that I can find, was to make it moveable and to place it, sometimes in the chancel, sometimes (when more convenient to communicants) in the nave; *but no hint is given that it should be twisted half-way round*. Let it be observed that the meaning of 'north side' in the Rubric of 1552 must rule the meaning in all subsequent rubrics, and it can hardly be contended that in 1552 holy tables had already been turned east and west. The effect was, no doubt, to give it a 'table-wise' in contradistinction to an 'altar-wise' position; for it was only 'altar-wise' according to mediæval custom when it stood at the east end, and was fastened immoveably to the ground or to the wall. But, I think, there can be no reasonable doubt that in the year 1552, when first the Second Service Book of Edward VI. came into use, all the holy tables were standing north and south; and when they were first removed *they were simply moved forward*, retaining the same position relatively to the points of the compass." It might be added that the side facing northward might become the *East* side of the table if the table were made to revolve horizontally on its own axis.

the altar stood still in the usual place, and the priest was appointed to stand before the midst of the altar with his face towards it, and this was confirmed by Act of Parliament. Notwithstanding which Act, there were so many exceptions taken, and opposition made against that order (some standing at the West side of the altar *with their faces turned towards the people*,<sup>68</sup> others at the East, others at the South, and others at the North), that at last they agreed to set forth this rule in the fifth of King Edward, instead of the former set forth in the second year."<sup>69</sup> At p. 162 will be found this comment on the words of the Marriage Service, *kneeling afore the Lord's Table*, viz., "he is not to stand at the North side (for there he should need no turning), but just *before* it."

Mr. Parker dates this "First series of Notes," between 1619 and 1638, but as being probably then copied from a yet older book.<sup>70</sup>

The table at Durham, "seven foot" long, was a fixture set up (without the bishop's knowledge or consent<sup>70b</sup>) before his time in 1617, with its ends North and South, and Cosin officiated at it from the year 1624, when he became one of the prebendaries. It is to this very period, at which his Articles of 1627 were issued, that his evidence given on oath before the House of Lords relates. The spiritual Judges (at p. 110) admit that this covers up to the year "1625." Cosin's words were, "He denieth that he did ever officiate with face purposely towards the east; but he constantly stood at the North side *or end* of the Table." In quoting some words which follow this passage, the Court twice alters (at pp. 29, 110) the words, "As others did *there* before him," by omitting the word "there," an omission which conceals the fact that it was a local peculiarity of the Durham "altar" which caused his temporary breach of rubrical observance by "stepping" [from the 'North

<sup>68</sup> Canon Edgeworth, in the reign of Mary, testified, "I have known one while the Priest take the bread upon the patten of the challes, and turne his back upon the altar, and his face down to the people, and said the words of consecration over the bread, and then layed it upon the Aulter and afterwards done likewise with the chales and the wine." (Roger Edgeworth's *Sermons*, 1557, folio cccxii. b.)

<sup>69</sup> *Works*, v.-458.

<sup>70</sup> *Hist. Revis.*, p. 325, note.

<sup>70b</sup> Bishop Neile told the House of Lords that it was "set up by the deane without my privitie. I confess I did not greatly allow of it" (*MSS. Hunter*, No. 67).



side'] 'to the former part thereof.'"<sup>71</sup> At p. 29 the Court refers to *Cal. S. P. Dom.*, 1640-1, p. 289, in support of the statement that Cosin "*used* to officiate at the West side:" what Cosin really said *loco citato* was that he did so "*once or twice*," and, even that, as the Court was aware,<sup>72</sup> was "twelve years" ago.<sup>73</sup>

It is in evidence, therefore, that Cosin used North "side" as equivalent to end *at the very date when the 1627 Articles were issued*: yet the Court prefers to assume that he was guided by, and admitted the force of, Peter Smart's theories, which he spent a great part of his life in combatting! The Court insists on the importance of noting that Cosin's Articles were prior to the Order in St. Gregory's case in 1633.<sup>74</sup> But Archdeacon Kent's Articles of 1631 were also prior to the Order of 1633, yet required the table to stand "the ends thereof being placed North and South."<sup>75</sup> In other words, the Court *begs* the very thing to be proved and upon which its Judgment is made to rest, viz., that "side" had,

<sup>71</sup> So, too, Wren's action on *one* occasion in the "Tower Church, Ipswich," which took place many years previous to his impeachment, and was due, as he himself said, to his "being but low of stature" (*Parentalia*, 104), is misrepresented as being his *habit* at "Norwich" (*Judgment*, p. 113). Nor did Laud make the statement about "the Reformation" period twice imputed to him on p. 23 of the *Judgment*, with a misleading reference to his *Works*, vi.-59." (See Laud's own *History of the Troubles*, p. 310.)

<sup>72</sup> *Judgment*, p. 112.

<sup>73</sup> These "twelve years" related to his once or twice *quitting* the "North side, or end," whereas they are represented in the *Judgment*, p. 112, as relating to his standing there! The reference there given to the *Lord's Journal* is also completely erroneous. (Cf. *Judgment*, p. 29.)

<sup>74</sup> *Judgment*, p. 31, note, where the Court chooses to quote two separate misprints from diverse reports of the Purchas Judgment without mentioning that the Archbishop of York and Mr. Reeve (the Registrar of the Privy Council) had shewn in *The Times* of April 3rd, 1875, and *Guardian*, April 16th, 1884, that the error of date did not exist in the original draft of that Judgment, as delivered. In Dale's Report, 1871, the date was correctly given.

<sup>75</sup> *Rit. Rep.*, 527.

in law, any such exclusive sense as Williams chose to put upon it.

Yet Wren, his contemporary, who had been chaplain to Bishop Andrewes, affirms that "Custom of speech led them," the framers of the rubric, 'to call the North end, or North part of the table, the North side thereof," and that "in 2 Eliz., when they best understood their own meaning . . . North part, North side, and North end were all one."<sup>76</sup>

That this "custom of speech" is the natural English idiom, two illustrations may suffice to shew, since they are taken from the utterances of persons who were trying to vindicate the "Puritan" theory adopted as "historical" by the Lambeth Judgment. The Lords' Committee of Divines in 1641 complained of the Laudian bishops "making canopies over the altar so-called, with traverses or curtains on each *side* and before it."<sup>77</sup> And Bishop John Wordsworth, one of the Lambeth Assessors, in directing one of his clergy how to conform to the Lambeth Judgment, said, "By 'properly placed' I understand kneeling before or at the *sides*<sup>78</sup> of the holy table."<sup>79</sup> Indeed, it was only by coining the barbarous phrase "short end" that the Judgment itself (at pp. 18, 21, &c.) could avoid falling into this ordinary "custom of speech."

Wren apologized for his having once, five years previously, in the Tower Church, Ipswich, violated the then rubric by consecrating on the Western side, on the ground that the elements "stood upon the table further from the end than he, being but low of stature, could reach over his book unto them."<sup>80</sup> Yet, so far

<sup>76</sup> *Parentalia*, p. 75, cf. p. 104.

<sup>77</sup> *Card., Conf.*, p. 272. See above p. 20, and p. 35, note 49.

<sup>78</sup> That the ends of the table were formerly used even to the exclusion of the "Western" side is shewn in my *Liturgy and the Eastward Position*, illustrated with fifteen plates. (Shaw. Price 2d.)

<sup>79</sup> *The Church Times*, July 16th, 1891.

<sup>80</sup> *State Trials*, Vol. IV., p. 34.

from sanctioning the practice charged against Bishop King, he pleaded—

“Insomuch, therefore, as he did stand at the North side all the while before he came to that Collect wherein he was to take the bread and wine into his hands, and as soon as that was done he returned thither again; he humbly conceiveth that it is a plain demonstration that he came to the West side only for more conveniency in executing his office, and no way in any superstition, much less imitation of the Romish priests; for they place themselves there at all the service before, and at all after, with no less strictness than at the time of their consecrating the bread and wine.”<sup>81</sup>

It has already been shewn by contemporary evidence that to say the least, the North-South position of the Table was the most usual one for the first thirty years after the accession of Elizabeth. What the rubric meant then, it necessarily meant till the next revision, for it is the *animus imponentis*, and the intention of the legislature which alone has to be considered in the interpretation of a legal document. What the High Church and Low Church parties chose to fight for in the reign of Charles, is no more to the point, than is the fact that bishops in 1890 rely on Puritan evidence alone (to the rejection of the counter-testimony of Laud, Heylin, Pocklington, &c.), a proof of their own identity in belief or practice with the Caroline Puritans. Prynne, Smart, and “the Surveyor,” are strange “authorities” as to rubrical exactitude. The Convocation of 1640 numbered men like Hall, Davenant, and Brian Walton, among the signatories to the statement that in the Royal Chapels, “most cathedral and some parish churches,” the crosswise position of the table had been “continued.” None of them supported Williams’s theory. Wren says that there were “*very many* parish churches wherein it had never been otherwise.”<sup>82</sup>

Among these were St. Margaret’s, Westminster; St.

No rubrics date from Charles I., consequently Caroline disputes do *not* shew the intentions of the Framers of rubric in 1552 or 1559.

<sup>81</sup> *Parentalia*, p. 104.

<sup>82</sup> *Parentalia*, p. 75. He names four such churches in Norwich alone (*ibid.*, p. 77).



Martin's-in-the-Fields; St. Michael's, Crooked Lane: St. Giles's, Cripplegate, &c., &c. It is, therefore, unfair to represent in the Judgment that Andrewes, who was born in the year that saw Ridley and Latimer suffer, introduced some "new way." Andrewes was merely describing the original mode of conforming to the Prayer Book, which he had seen practised all his life, when he spoke of the officiating clergy as "the one at one end, the other at the other, representing the two cherubim at the mercy seat."<sup>83</sup> The symbolism was his own, but the practice was inherited and traditional. The Court seeks to destroy the evidential value of Bishop Juxon's Visitation Articles of 1640, by saying he was "the only Ordinary who *used* them" (p. 32). No bishop after 1640 was in a position to "use" *any* Visitation Articles. But the evidential value of these lies in the fact that they were the "uniform book of articles" enjoined by Convocation in the ninth canon of 1640. Against the single authority of Williams may surely be set this official requirement—"The minister standing *as he is appointed* (*rubric*) at the North side, or end of the Table."<sup>84</sup> However excellent Prynne or Smart may have been, they are not the only trustworthy persons as to matters of fact. Heylin's challenge still remains unanswered—"What proof have we for this (for of the other you bring none). I mean that the Communion table stood in the upper part of the choir in such a comely fashion, for so long continuance?"<sup>85</sup>

<sup>83</sup> *Minor Works*, p. 150. The ground plan of his chapel shews a kneeling stool at either end of the table. Cosin's list of the furniture of his own chapel in 1667 shews the same (Parker, *Hist. Revis.*, pp. 151, 188, 355).

<sup>84</sup> *Rit. Rep.*, App., 592-9. Archdeacon Bostock's inquiry, "Is the same table placed conveniently, so as the Minister may be best heard in his administration, and the greatest number reverently communicate? *to that end* doth it ordinarily stand up at the East end of the chancel" (*Rit.*, 596), was of even date, viz., 1640.

<sup>85</sup> *Antidotum*, p. 11. In the sentence marked as a quotation from Bishop Williams's *Holy Table* (p. 15), on page 22 of the *Judgment* (beside nine lines left out without any hint of an omission), among other changes, the words "I believe" are omitted from the sentence, so as to convert his tentative conjecture into a round assertion. Perhaps

We come next to the last revision of the Prayer Book. It is undoubted that from 1660 to 1662 the tables stood both ways: there never was a time from 1559 downwards when they might not have done so. It was always legal, and it still remains legal, to place the table either way. The party which before the Rebellion had insisted that North side in the rubric meant the short side of the table (*if* the table happened to be oblong and placed North and South) were the dominant party in the Convocation of 1661. Juxon, Pierce, Wren, Skinner, Roberts, Warner, Duppa, Sheldon, Hacket, Ironside, Griffith, Frewen, King, Laney, and Lloyd, had all been parties to the Canon of 1640. Assuming the truth of the Court's statement (pp. 34, 40, and 115), that the requirement of the North end ceased in 1662, what would that prove? Merely this, that the Ordinaries acquiesced in the Puritan, or rather Low Church (for Baxter<sup>86</sup> and the Nonconformists do not appear to have cared about the lengthwise placing of the tables) preference for placing the table at the "hither end" of the chancel, and lengthwise, too, if preferred. But *nobody* then desired to stand at the west front. Whether "end" or "side" were preferred made no difference in this respect. No hint of anybody standing on the West side of the table, in the Communion Office, crops up till the reign of Queen Anne, and then only in relation to the Consecration Prayer. The alleged silence of the Ordinaries would therefore not at all aid the contention of Bishop King. The Court has, however, strangely overlooked the Visitation Articles of Bishop Wren (than whom no man

Meaning of  
"North side"  
in 1662 same  
as in 1552  
and 1559.

the Court wished to obviate Heylin's pertinent comment—that this was "rather matter of opinion and hearesay, than of proof, reason, or authoritie: For it stands only on *I thinke*, and *I conceive*, and *I have heard*, and *I believe not*: which no man can interpret to be Demonstrations." (*Coale from the Altar*, p. 18.)

<sup>86</sup> Neither the Directory, nor the Savoy Prayer Book even notice the point (*Hall's Reliquiæ Liturgicæ*, vols. 3 and 4). Compare p. 17 above.

stood higher in the esteem of the Prime Minister, Lord Clarendon, at whose house ("Ely House,") the Revision Committee met, whose suggestions for the revision of the Prayer Book were adopted in some two hundred instances, and) who pointedly refers, in his Visitation Articles, 1662, to the "Feast of St. Bartholomew *last*," and "The *late* Act of Uniformity," and asks—

"Is the same table placed conveniently, so as the minister may be best heard in his administration, and the greatest number may reverently communicate? *To that end* doth it ordinarily stand up at the east end of the chancel, where the altar in former times stood, the ends thereof being placed north and south."<sup>87</sup>

Wren's Commissioners in this Visitation were Pearson and Sparrow, both prominent actors in the revision of 1661.

"Placed at the east end of your chancel, with the ends north and south," was the official direction given in 1671 by another of the revisers, Lucy, Bishop of St. David's.<sup>88</sup>

The Court calls attention (p. 33) to the change in Pory's articles of 1665. But it forbears to quote the wording of his revised "Article 6," the italics in which indicate what had been newly inserted since 1662: yet the words thus omitted by the Court are of utmost value as determining the object and limitation of the new

<sup>87</sup> *Rit. Rep.*, App., 557-2. There is also a copy in the Brit. Mus. "5155, c. 33."

<sup>88</sup> *Rit. Rep.*, 615. Bishop Cosin's articles of 1662 asked: "Is there a partition between your Church and your Chancel, a comely fair Table there, placed *at the upper part of it, for the administration* of the Sacrament of the Lord's Supper" (*Rit. Rep.*, 601). He had been directed by Convocation to draft a form of Consecration of Churches, which was committed, on June 20th, 1662, to four bishops for final revision. What became of it is not known. But it is probable that the form used by Cosin himself in 1668 would be what was then agreed upon. It contains this rubric: "Then shall the bishop ascend towards the table of the Lord, and there kneel down at his faldstool *before* it, his chaplains following him and placing themselves *at each end* of the table, where he that is *at the North* shall begin the Communion service," &c. *Cosin Correspondence*, ii.-190.



rubrical direction to "stand before the Table" placed before the Prayer of Consecration in 1662—

"Have you in the chancel of your church or chappel a decent and convenient table for the celebration of the Holy Communion? Is it so set as directed in the Queen's Injunctions, *in the place where the altar stood, and so as the priest at the time of consecration may stand BEFORE the table* TO ORDER THE BREAD AND WINE?"<sup>89</sup>

Pory was an active member of the Convocation, and edited the new *Prayer for Parliament*, but he had clearly never heard of a "rubric admitting of the Consecration Prayer being used 'before the table.'"<sup>90</sup>

The contention between Laud and Williams had raged round the question of *fixing* the table crosswise at the east end of the church: to prevent this, Williams Reason for abandoning contest as to placing of Table in 1662. invented or adopted from Smart the "side" argument, which was scouted as non-natural by Heylin and Wren. The party of the latter, being in power, were able to insist on the use of the word "side" as equivalent *exclusively* to "end." This had produced irritation among those who wished to retain absolute freedom in placing the table in the body of the church. After the Great Rebellion the bishops had become wiser. Without abandoning their own interpretation of "side," they ceased to enforce it on others: and this they could safely do, because both parties then agreed that the minister was merely the distributor, on behalf of God, *to the people*, of the Sacrament which He had "given to us."<sup>91</sup>

The proposed change of North "side" into north "part" had, no doubt, been designed to prevent a renewal of the contention as to the placing of the table. Yet a little reflection shewed that *any* change of terms in 1661 would be impolitic, as seeming to admit that there

<sup>89</sup> Brit. Mus. "698.  $\frac{h.}{25}$  20." It is repeated verbatim in Pory's Articles of 1669 of which there is a copy at Christ Church, Oxford. Press Mark, "Hyp. E. 82."

<sup>90</sup> *Judgment*, p. 29.

<sup>91</sup> See *The Misprinted Catechism*. (J. F. Shaw. Price 1d.)

had been force in the Smart-Williams's contention ; and, moreover, the suggested word, "part" would be likely to introduce a fresh crop of ambiguities, sanctioning even such a position of the celebrant as that adopted in 1886 by the Non-conformist clergy at Lincoln Cathedral, than which nothing could be more foreign to the wishes of any Churchman in 1661. For a like reason the word "side" was retained in the proposed revision of 1689, and by the disestablished Church of Ireland in 1877,<sup>92</sup> because it secured entire freedom as to the arrangement and placing of the table, provided only that the officiant have the table to the South of him. Every side is a "part" though not every part is a "side": and every end is "a side," though not every side is an "end." The genus ("Side") is wider than the species ("end"). Hence Cosin's proposal to change the word side into "end," was wisely rejected, as tending to narrow and restrict the liberty which had been enjoyed since the year 1552.

Savoy  
Conference.

The reason assigned at the Savoy Conference for refusing to direct the celebrant to face the people throughout the entire service is quoted in the *Judgment* as though it were conclusive to shew that a position in front of the table was contemplated in all addresses to the Deity. But the celebrant could turn "eastward" at the North side<sup>93</sup> just as well as at the west side ; and, in

<sup>92</sup> "Every Minister, at all times of his public Ministration of the Services of the Church, shall speak with a distinct and audible voice, and so place himself that the people may conveniently hearken unto what is said, and in no case when he is offering up Public Prayer shall his back be turned to the Congregation. And every Minister, when saying the Prayer of Consecration in the Service prescribed for the administration of the Lord's Supper, shall stand at the North Side of the Table, by which, both here and in the Rubric of the Communion Office, is to be understood that side or end of the table which, in Churches lying East and West, is towards the North" (Canon 5 of the Church of Ireland).

<sup>93</sup> In 1851 this was the "Use" at St. Ninian's, Perth, then one of the most "advanced" churches. The rubric "*Then shall the Priest*

reality, all that the Savoy bishops claimed was to make a distinction between addresses to God and exhortations to the congregation. They did not claim to pray eastward, but only to "turn another way," *i.e.*, turn to the table for prayer, and to the people when addressing them. And we have not the smallest reason to believe that any one of them adopted the Eastward Position.<sup>94</sup> At the time when, according to the Lambeth Judgment the table was placed lengthwise, Hooker had made precisely the same distinction between the several portions of Public Worship, of which "some are uttered as from the people, some as with them to God, some as from God to them."<sup>95</sup> Yet his own reading desk faced South.<sup>96</sup>

But beside this, the Savoy bishops did not conduct the revision of the Prayer Book: and the Court seems to have discovered this *after* the Judgment was delivered; for at p. 36 of the copies subsequently issued by Macmillan's the words "Savoy Conference" have been changed (*sub silentio*) into "the last Revision"! A different Committee was appointed by Convocation, and very many of the suggestions drafted by Cosin were subsequently rejected: no fewer than forty-one pages of the *Cosin Correspondence* (ii.-39-80) being occupied by these *rejected* amendments. The views, therefore, of the Savoy Commissioners are not evidence of the meaning of the Prayer Book. (See below, p. 72.) The notion that it was "impossible to frame a new" rubric, because the bishops and the divines at the Savoy could not agree, is ludicrous when we remember the insignificant amount of the "concessions" granted by the former, and the rigid enforcement of the Act of Uniformity to the

*turn to the Lord's Table*," dates from 1662; so also does the direction for "turning to the people" at the decalogue.

<sup>94</sup> Indeed, their known views and practice were assigned by Bishop Charles Wordsworth as one of the reasons which led him to abandon the Eastward Position as illegal. (*Three conclusive proofs*, p. 4.)

<sup>95</sup> *Eccl. Pol.*, V.-xxx.-2.

<sup>96</sup> Robertsen, *How shall we Conform to the Liturgy?* 3rd edit., p. 57.



expulsion of some two thousand Ministers. Even of the scanty concessions agreed to at the Savoy, some were disallowed by Convocation. Sheldon would have laughed at the notion of an "impossible" rubric. What the Puritans objected to, and the Churchmen defended at the Restoration, is shewn by Vavasor Powell's *Common Prayer Book no Divine Service*, which reached a second edition in 1661. His "32nd Objection" (p. 22), was, "*That the priest is appointed to stand at the North side of the Table; this is done (as many other things) in imitation of the ceremonial law (Lev. i.-II).*" To this a reply (the dedication of which is dated June 24th, 1661) by the Rev. John Barbon, Vicar of Dallington, was given.

"To his 32nd. Unwarrantable . . . If the Priest should stand at the *West-side*, it would be thought superstition, because the face is turned to the East, as if it refer'd to *worshipping towards the East*. . . . Or else, it would be said, 'It hindered the hearing of the People.' On the *East-side* (as our Communion Tables are now sited) he can't stand. And, why, (now) should he stand on the South-side? Is there not superstition, in pitching on this part, in this manner?"<sup>97</sup>

Andrew Marvell, a member of Parliament in 1661, published in 1672 *The Rehearsal Transposed*, in which he said ironically (p. 53)—

"Another, to continue the mirth, answered That yet there might be some religious consideration in building a town East and West, or North and South, and t'was not a thing so indifferent as men thought it; but because in the Church of England, where the Table is set Altar-wise, the Minister is nevertheless obliged to stand at the North side (though it be the North end of the Table), it was fit to place the Geneva Presbyter in diametrical opposition to him upon the 'South side of the lake.'"<sup>98</sup>

Commen-  
tators on  
Prayer Book.

At p. 34 the Court devotes a section to "Criticism by Commentators," but omits to notice that the Prynne-

<sup>97</sup> *Liturgy a most Divine service*, p. 102, 1662.

<sup>98</sup> (*Marvell's Works* by Grosart, iii.-41.) This and the last-named quotation are due to *Questions suggested by the Lambeth Judgment*, published by Vivish, Maidstone.

Williams-Smart theory disappears at the Restoration. L'ESTRANGE (who died in 1705) reprinted his book in 1690 and in 1699; he is therefore a *contemporary* witness ignored as such by the Court, though he states—<sup>99</sup>

“So that out of Communion time the table is to stand Altar-wise, as we, and only we do phrase it; for Altar-wise is an idiom peculiar to us English, not known abroad in foreign parts; and they who can find Popery in that position have better eyes than ordinary. Altars with them do not observe one regular position: some are placed in the middle of the choir; some at the upper part, end-ways North and South; and if eye-witnesses may be trusted, the chief Altar in St. Peter's Church at Rome, stands in the midst of the chancel. As for the Priest standing at the North side of the Table, this seemeth to avoid the fashion of the Priest's standing with his face towards the East, as is the popish practice.”

L'Estrange took this last from the MS. collection of Notes now in the British Museum.<sup>100</sup> Opposite the words *Standing at the North side of the table*, on p. 152 of a prayer book dated 1625, is entered, “to avoid the fashion of the Popish priests, who stand with their faces to the East.” The writer was apparently a member of Convocation, and the Notes relate to a revision of the Prayer Book.<sup>101</sup>

BENNET (also ignored), the earliest writer on the Prayer Book after the Restoration, says—<sup>102</sup>

“If the Table be close to the East wall, the minister stands on the North side and looks Southward; and then turning to the Westward he looks full towards all the people,” for the recital of the Decalogue.

<sup>99</sup> *Alliance of Divine Offices*, p. 244, Anglo-Cath. Library. Laud, Cosin, Dow, and Kellet, before the Restoration, and Durel, Hacket and others after it, repudiate “altar-wise” and “table-wise” as mere Puritan phrases used *ad invidiam*. Mr. Chancy of Ware, one of Laud's victims, in his *Retraction*, published in 1637, on the eve of quitting England, said (p. 8)—“By all this it may appear how extremely they are befooled and deluded which account no tables to be altars but such as be dresser-wise.” (See also Bishop Harold Browne, *supra* pp. 13, 43.)

<sup>100</sup> Harl. MS., No. 7311.

<sup>101</sup> Parker, *Hist. Revis.*, 430.

<sup>102</sup> *Paraphrase with Annotations*, 1708: p. 155 of 2nd edit.

NICHOLLS is mentioned indeed, but the Court forbears to quote his very pertinent words—

“The Papists had their particular reasons why they stood before the altar during the time of consecration; which was not to let the people be eye-witnesses of their operation in working their pretended miracle; for they would be apt to have lesser esteem thereof whilst they looked on and saw what was done; and, therefore, they thought it the best way to skreen it from the people’s eyes by the intervention of the Priest’s body. But our Church enjoins the direct contrary, and that for a direct contrary reason.”<sup>103</sup>

The *Judgment* (p. 35) states of WHEATLY that “in his third edition (1720) he withdrew this argument.” So far from “withdrawing,” Wheatly actually strengthens his original statement about the “pretended miracle,” taken almost verbatim from Nicholls as given above. If Wheatly had intended expressly to refute the Walton-Scudamore theory, he could have chosen no apter words than these which he used in the seventh edition, 1741, the latest issued before his death in 1742—

“WHEREVER IT [the Table] BE PLACED, the priest is obliged to stand at the North-side (or End thereof, as the Scotch Liturgy expresses it);” and again, “If he stood *before* the Table, his body would hinder the people from seeing. So that he must not stand there; and consequently he must stand on the north side.” “In the Romish Church indeed they always stand *before* the altar during the time of consecration; in order to prevent the people from being eye-witnesses of their operation in working their pretended miracle. . . But our Church, that pretends to no such miracle, enjoins we see the direct contrary to this” (pp. 274, 313).

At the public dispute in Westminster Abbey, March 31st, 1559, Bishop Horne<sup>104</sup> “rose, and kneeling down with his back to the altar on which was the Sacrament, he prayed,” &c.

The Court pooh-poohs (p. 35) “their *unhistorical* idea of a protest against Rome.” Yet Bishop GARDINER, in 1540, said—

“The minister which shall celebrate in the beginning comes forth

<sup>103</sup> *Commentary on the Book of Common Prayer*, ed. 1710.

<sup>104</sup> Hume’s *Spanish State Papers*, p. 46. Cf. Foxe, viii.-51, 681.



as from the secret place to the *midst of the altar, signifying thereby* that Christ, who is the High Priest, came from the secret bosom of His Father into this world, *to offer sacrifice* for man's redemption.<sup>105</sup>

LATIMER exclaimed—"Stand from the altar, you sacrificing (I should have said, you sacrificing) priests . . . where you should preach the benefit of Christ's death to the people, you speak to the wall."<sup>103</sup>

ROGER ASCHAM, tutor to Edward and Elizabeth, after describing the original institution, adds—

"Then see opposite a priest of our time creeping forth alone out of the sacristy to the altar, and standing there alone *with his back to the people.*"<sup>107</sup>

And it has been shewn above that BECON (p. 30), HOOPER (p. 17), PHILPOT (p. 22), JEWEL (p. 29), BULLINGHAM (p. 29), RASTELL (p. 27), FULKE (p. 30), WREN (p. 46), are witnesses to the continuous persistence of this "historical" belief: while the Romanist "HOGARDE," in the very next words to those cited,<sup>107b</sup> said, "Thus turning every way, *they missed the right way,*" a statement fully corroborated by COSIN, *ut supra*, p. 44.

Bishop Charles Wordsworth published in *The Times* of March 26th, 1875, the result of an inquiry which he had commenced in 1858 owing to the introduction of new-fangled teaching on the Eucharist. He sums up in these words—

"There was not a single Anglican writer upon the subject, so far as I could discover, from 1662 to 1843, who had taken the other side, except Scandret, 1708, and John Johnson, 1714, who, however, though inclined to suggest it as tending to recommend their peculiar views of

<sup>105</sup> Collier, *Eccl. Hist.*, v.-113.

<sup>106</sup> *Remains*, pp. 259, 262. The allusion to 1 Cor. xi.-26 R.V. deserves notice. Bishop Scot said the Elizabethan Prayer Book differed from that of 1549 in that "it taketh away, either in part or else clearly as things not allowable . . . praying towards the East." (*Card., Conf.*, p. 100.)

<sup>107</sup> *Apology for the Lord's Supper against the Mass*, p. 27.

<sup>107b</sup> *Judgment*, p. 21.

the Eucharistic sacrifice, yet are really witnesses against it *in point of fact*.”<sup>108</sup>

North side  
not a  
sacerdotal  
position.

The authority of Lightfoot is invoked (p. 43) for the notion that the North side was a “sacrificial” position. Lightfoot says, however, nothing of the kind. In the very work cited he points out on the contrary that Lev. i.-5, 2 Chron. xxx.-16, 17, and other passages, shew that “slaughter” formed no distinctive part of Priestly “offering.” Whereas, when the Priest sprinkled and smeared the blood “he stood on the east side of the altar,” and again “the like he was to do at the west side of the altar.” In the case of the Sin-offering he applied the blood “first to the south end horn,” and afterwards to the rest. The blood which remained was poured at the foot of the altar either “upon the South or West side.”<sup>108 b</sup>

The preliminary slaughtering might be done by Levites or even by laymen, and was designed to furnish “the blood” which God had “given” to make “atonement upon the altar”<sup>109</sup> through Priestly mediation. But sacerdotal mediation had no connection with the “North side.”

The Spiritual Court has failed to represent correctly the “sacrificial” teaching of Scripture and of Lightfoot. Yet Lev. i.-11 does illustrate very well the meaning of the rubrical phrase, “at the North side,” as shewn by the French version of the Second Prayer Book of Edward VI.: “Le Prêtre étant debout auprès de la table, du côté du Nord.”<sup>110</sup> If Lightfoot is to furnish a typical prece-

<sup>108</sup> “Three conclusive proofs that the use of the Eastward Position in the celebration of the Holy Eucharist is contrary to the mind and intention of the Church of England.” (Rivingtons, 1876, p. 34.)

<sup>108 b</sup> *Prospect of the Temple*, ed. 1649, pp. 69-81.

<sup>109</sup> Levit. xvii.-11.

<sup>110</sup> This version, published in 1553, was prepared under the direction of Lord Chancellor Goodrich, and was ready on August 26th, 1552. It is, therefore, both an official and a contemporary interpretation (Strype's *Cranmer*, Eccl. Hist. Soc. edit., iii.-698). In Petley's Greek version, dedicated to Laud in 1638, the rubric is rendered “The Priest standing northward of the Table” (Ἀρκτόθι ἀπὸ τῆς Τραπεζῆς).

dent, it might be found in his description of the table of shew-bread, whereat the Priest "shouldered" both the Mercy-seat and the congregation.<sup>111</sup>

Lastly, we have the "evidence" of pictures. Very few of those produced are even relevant. "Sparrow," "Sparke," and the "Prayer Books" merely shew an ideal picture of the Litany being said at a faldstool eastward. The representation is not that of an actual church, for after the Great Rebellion there were no churches in which the floor was entirely free from pews, or in which every member of the congregation knelt without support, or, probably, in which a faldstool existed at all. The same remark applies to *Eniautos*, in one of the plates of which the clergy are officiating in black gowns, the celebrant taking the south side and facing north. (See next page). Surely this is a *reductio ad absurdum* of pictorial "evidence." To attempt to extract sunbeams from cucumbers is less hardy or hazardous than to manufacture "evidence" for the Eastward Position from pictures in a book which says—

"Q. Why does the priest stand on the north side of the table?

"A. To avoid the popish superstition of standing towards the East."<sup>112</sup>

Another book mentioned, but *not* quoted by the Court, was *An Exposition of the Book of Common Prayer*, by T. Elborow, 1663, which at p. 97 says—

"Q. Where is the Communion table to stand during the time of administration?

"A. Out of the Communion time in the chancel along the east window, and to be railed in to keep it from abuse: and in the Communion time in the chancel or church, as shall be most convenient.

<sup>111</sup> *Prospect of the Temple*, c. 14, sec. 5. In the early editions of Wheatly the altar of incense is figured in the clouds which hover over the Lord's table.

<sup>112</sup> *Eniautos*, p. 300. Wordsworth's *University Society in the Eighteenth Century*, p. 533, mentions a celebration in a black gown as late as 1730; yet it is not suggested that that was evidence of the legality of the practice.





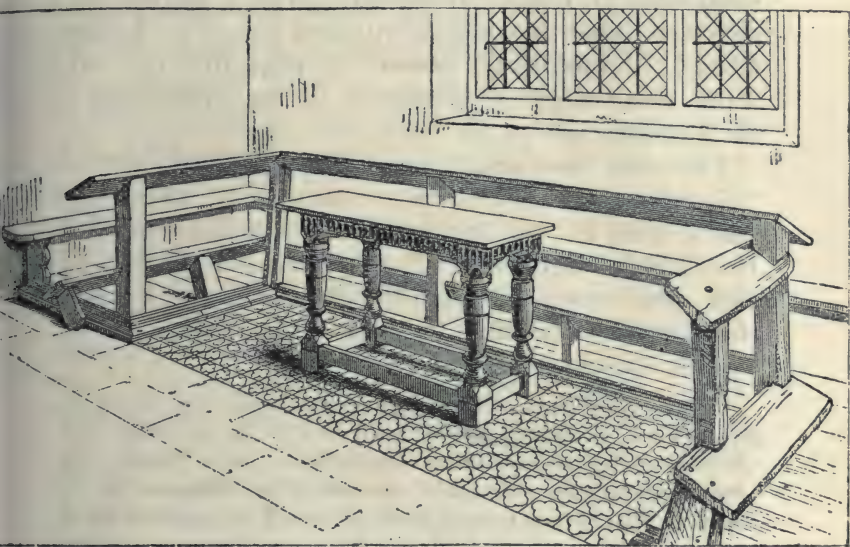
# LORDS SUPPER.

(From *Eniautos.*)

"Q. Where is the minister to stand at the reading of the second service?

"A. At the north side of the table": to which a footnote adds, "That is, at the north end: for in all quadrilateral and quadrangular figures, to speak according to the rules of art, every part is a side."

This book, which was published after the Prayer Book was in force (for it quotes the Royal Declaration of October 14th, 1662), shews what a mistake it is to suppose that *all* the tables when placed against the east wall were ranged from north to south, or that *all*



LANGLEY CHAPEL, SHROPSHIRE (BLOXAM).

the tables when moved into the nave were placed east and west. Dean Howson says: "*I can see no reason for taking either of these things for granted.* The point of importance is whether the priest<sup>113</sup> stands with his face to the south or his face to the east." Archdeacon Harrison says: "There was no Order of the Church, as seems now very generally supposed, for a lengthwise

<sup>113</sup> *Before the Table*, 1875. Preface xiii., and p. 50, note. *Position of Priest*, 1877, p. 19 (Macmillan).



position of the table in the body of the church.”<sup>114</sup> Yet the Court actually speaks of “the order to stand at the side of a table set lengthwise” (!)<sup>115</sup> as though this imaginary “Order” were anything more than a figment of the Draftsman. Of the few remaining examples of the lengthwise position of the table, some, as Llangybi, Llanharmon, and Ogleworth, had one end in contact with the East wall; while other tables, as at Hawarden,<sup>116</sup> Mallwyd,<sup>117</sup> and Wiggenhall,<sup>118</sup> which stood “free” from the wall, had their ends North and South. Bloxam’s *Companion to Gothic Architecture* gives a picture of a detached table standing North and South at Langley Chapel, Shropshire (as shewn on page 61), the same Table being depicted lengthwise in the *Transactions of the Anastatic Society*, for 1857.

The very last sentence in the Judgment adduces “*Guardian*, 1890, p. 408, col. c. ; p. 1556, a.” as evidence that in 1863 at “S. Bartholomew’s Hospital, Sandwich, Holy Table lengthwise.” Yet in the April 2nd issue of that same newspaper appeared the following counter-statement by the Rev. Horace Gilder, Rector of St. Peter’s, Sandwich:—

“I have had a thorough knowledge of that chapel since 1851 to the present time. I officiated there on the feast of St. Bartholomew, 1851, and on several occasions up to the fourth Sunday after Trinity, 1860. I have never seen the ‘holy table’ otherwise than ‘altar-wise’ during Divine service; in fact I much doubt if the old arrangement of the seats could have permitted a ‘lengthwise’ arrangement. I have celebrated the holy eucharist there more than once, and the ‘hos-

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<sup>114</sup> *Charge*, 1875, pp. 63, 73. Dr. Featley testified that at Lambeth the table had stood at the East end time out of mind, “nor was it then turned altar-wise;” its removal he dates but “twenty years before,” March 16th, 1643. *Walker’s Sufferings*, p. 76.

<sup>115</sup> *Judgment*, p. 25.

<sup>116</sup> Howson’s *Position of the Priest*, p. 40.

<sup>117</sup> “Until 1854 the Holy Table stood in the body of the church, the ends north and south, close to the central alley.”—*Walton’s Letter to Carter*, 1st edit., p. 63.

<sup>118</sup> Canon Swainson’s *Rubrical Question of 1874*, 2nd edit., p. 24.



pitalians' remained in their seats, leaving a vacant 'pew' between each row for the officiant to enter and administer to them in their respective 'pews.' Hence, perhaps, the notion mentioned above" (p. 559).

But like King James I. (who declined to listen to any adverse argument on the ground "that one side was enough for an honest man"), the Court in its "ampler historical research" did not pursue the inquiry far enough to bring this inconvenient "evidence" under its consideration.

The two vouchers given in the *Judgment* (p. 122) for the alleged "practice" of Bishop Maltby<sup>119</sup> to stand at the "North side (*not* end) at beginning of Service" do not, in fact, even so much as hint at any such "practice." It is clear that the Court cannot have verified the vouchers furnished to it by "some person or persons unknown."

The Court urges (p. 36) that in some (curiously ideal and unrealistic) engravings "the celebrant's place is indicated by the book placed for him." But this "book" (which, by the way, is disproportionately large, occupying often four-fifths of the entire length of the table) was presumably intended for a Bible. "We find from the canons of early councils that the book of the Gospels was anciently laid upon the altar, and in frescoes and mosaics we see it as their only ornament, generally open. The 'dumb' (closed) gospel and 'blind' (unlighted) lights were among the exceptions of the Presbyterian Scotch to the ornaments of the chapel at Holyrood." Leland, as cited, *Judgment*, p. 99, expressly states that the book in the midst was the old Bible of 1541. The Court itself points out in one case<sup>120</sup> that a central volume was probably the "great Bible": another instance is on p. 122 "Shrewsbury," and on page 120 is adduced an ornamental initial, one inch

<sup>119</sup> But Bishop Maltby did *not* consecrate Eastward. See *Guardian*, May 12th, 1875, p. 595.

<sup>120</sup> *Judgment*, p. 117.

square, showing no celebrant. In Bishop Burnet's picture given below (cited, *Judgment*, p. 117), the Bishop-celebrant is kneeling at the north end with his office book, while "The Book" stands unopened in the middle. The "Prayer Book of 1709" mentioned



(p. 119) has the faldstool so close to the table that no celebrant could officiate between the two. Under "1726" are shown Moses and Aaron turning their backs on a table with only one book and that placed at the back BEHIND two lights; but no indication of

a Communion, or of the place being anything more than a private oratory, whereas the edition of the same book in 1721 shews the Lord's table with chalice and flagon and books at either end, but no lights; hence it is not noticed in this Judgment.

Under "1728," at p. 121, the Court mentions the Magdalen College table, but forbears to mention that kneeling paces are shewn at either end, while the drapery which is said to "prevent approach" is merely a cloth whose ends are figured as hanging over the foot pace. The two books at either end, both closed, were not the celebrant's book, but probably intended for the use of the Epistoler and Gospeller.

In truth there are but four of the engravings mentioned in the Judgment which shew a celebrant officiating at any portion of the western side of the table. The earliest of these<sup>121</sup> is figured below on p. 66. Its date, 1686, and the internal evidence of the picture itself shew that it is taken from one of Wren's<sup>122</sup> churches built after the Great Fire, when the pagan or classical style was "revived" to the utter neglect of the requirements of the Prayer Book. The pillars blocking up either end, and the canopy overhead were fitting adjuncts of a "classical," *i.e.*, heathen altar, yet served to drive an Anglican clergyman into the awkward straits here depicted. It is interesting to notice that so strongly was

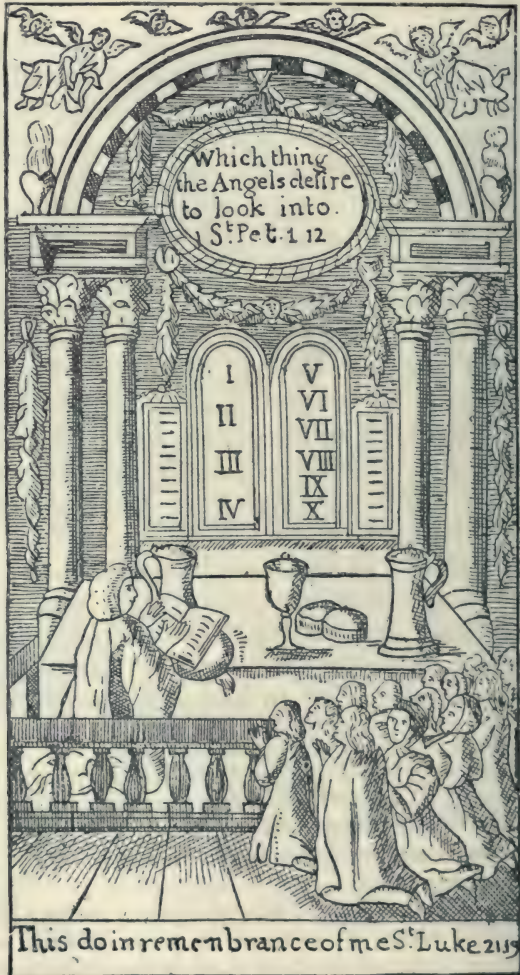
<sup>121</sup> *Judgment*, p. 118.

<sup>122</sup> Architects have been accused of "defiling our Church by adorning our churches:" but in Wren's case it is fair to remember that the sinister influence of (the future) James II. may have made itself felt in more than one London church. In *Spence's Anecdotes*, 2nd edit., p. 194, we read—

"The side oratories at St. Paul's were added to Sir Christopher Wren's original design, by order of the Duke of York: who was willing to have them ready for the Popish service; when there should be occasion. It narrowed the building, and broke in very much upon the beauty of the design. Sir Christopher insisted so strongly on the prejudice they would be of, that he actually shed some tears in speaking of it; but it was all in vain. The Duke absolutely insisted upon their being inserted, and he was obliged to comply."



impressed on the mind of both priest and people the idea that the sacramental Action *must* be visible, that men and women alike huddled together at the extreme south of the chancel to enable their minister to "break



the bread *before the people.*" His book and its cushion seem both to be in peril of falling, and neither "readiness" nor "decency" were secured by so non-natural a wresting of the rubric.

The second instance is dated "1697" and the celebrant stands at the North-west corner with his face turned somewhat over his shoulder towards the communicants, but hiding by his projecting surplice the angle of the table: his book is sloping at a similar angle, *i.e.*, towards the South-east corner of the table. This may possibly represent an attempt to combine a quasi-Eastward Position of the priest with his "standing at the North side of the table." But, at least, the minister is *not* standing on the West side of the table.<sup>123</sup>



The third instance<sup>124</sup> is dated 1704:<sup>125</sup> The bishop stands, with book in hand, as though reading the exhortation to "Draw near," a full three-quarters face being turned toward the King who is kneeling facing due north. The North side of the table is *not shewn in the picture*, being hidden by the bishop's dress. Two service books stand *behind* the table on a retable, leaning against the wall, while the loaf remains *unbroken* in the midst.

<sup>123</sup> *Judgment*, p. 118.

<sup>124</sup> *Judgment*, p. 119.

<sup>125</sup> *Form of Prayers used by King William III.* Lambeth "71 Ei.23." There are several copies in the British Museum: the picture above being taken from "3455 a. 38."

The fourth is dated 1717, and shews a clergyman turning his back on a very wide table while he stands, cup in hand, during the administration to kneeling communicants. It probably indicates that the unknown author was a disciple of John Johnson, the conforming non-juror, who (after Scandret) first projected the theory that the Prayer of Consecration was to be said at the West of the table. This would account for the fact of this office-book and cushion lying at the West during the administration, because on Johnson's view, that might be convenient in the event of a second (or additional) consecration being required. But not a single engraving has been found shewing a celebrant facing eastward, at the West of the table, during the ante-communion office, which was the point involved in Bishop King's case.

## MANUAL ACTS.

(*Judgment*, ed. Macmillan, pp. 46-52 = pp. 58-63, Law Report, P.D., 1891.)

Manward  
symbolism  
the ritual  
used by  
Christ at the  
Last Supper.

The decision respecting the hiding of the manual acts forms the one redeeming feature of the *Judgment*. Not because it gives a complete account of the origin of the rubric,<sup>1</sup> but because it recognises that at the original Institution of the Supper the sacred *Action* had primary reference to the communicants. The sacramental *Action* is, as Cosin said, "a necessary"<sup>2</sup> feature of the Sacramental rite. But what can be more absurd than that a Church which holds it essential "that the manual acts should be visible" (*Judgment*, p. 51) and suffers the celebrant at a cathedral to dress himself, on "principal feast days," in a large stiff cloak (called a cope), and to be assisted by an Epistoler and Gospeller similiarly attired<sup>3</sup> according to Canon 24, should yet allow the Officiant to stand with his back exhibited the whole time to those to whom he is

<sup>1</sup> See Tomlinson on the *Prayer Book*, p. 212.

<sup>2</sup> Compare John Johnson's *Propitiatory Oblation*, Preface to Vol. II., p. 28.

<sup>3</sup> See Tomlinson on the *Prayer Book*, pp. 89, 120.



supposed to be ministering! In order to condone this, the Court virtually bids the celebrant interpolate the new and unauthorised ceremonies of turning round at least twice in the middle of his prayer; or else of standing at a ridiculous angle as a sort of weak compromise between the Romish "Sacrifice" and the Anglican Sacrament; or else of Elevating the Host above his head as advised by certain Ritualists. The intrinsic unreasonableness and inconvenience of the Eastward Position is thus made patent to the meanest understanding: and for this, Churchmen may feel grateful to the Archbishop. Neither "readiness" nor "decency" is possible so long as the "shewing forth" the sacramental Action is made contingent upon Eastward celebration.

### SINGING THE AGNUS.

(*Judgment*, ed. Macmillan, pp. 53-64 = pp. 64-74, Law Report, P.D., 1891.)

That before the Reformation this was regarded as a direct act of worship addressed to the consecrated "Host," as it still is in the Church of Rome, is beyond question. Cardinal Bona<sup>4</sup> says—

"The Host having been broken and a particle of it dropped into the cup there follows a deprecation to Christ the Lamb of God *taking* away the sins of the world, *bloodlessly immolated by the priest.*"

Le Brun, in his *Explication des Ceremonies de la Messe* (I.-593), says that in singing the Agnus, they implore the pity of their Saviour, "whom they have under their eyes, or hold in their hands."

Cranmer's chaplain said—

"Then do ye say the Agnus, which Pope Sergius also commanded that it should be said at Mass, a little before the receiving of the Host. And here again, ye play the abominable idolaters. For, looking upon the bread ye look yourselves and worship it, saying in

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<sup>4</sup> *Rerum Liturg.*, lib. ii., c. 16. The Agnus was introduced into the West by Pope Sergius, and is omitted on Good Friday. Migne (*Encyclopédie Theologique*, vol. 8, p. 54) explains: "C'est en effet pendant le chant de l'*Agnus Dei* que se donne la paix." The Use of St. John Lateran keeps the older form, not adding "*domina nobis pacem.*"

Latin *Agnus Dei qui tollis, &c.*, thrice do ye call that bread which you hold in your hands 'the Lamb of God that taketh away the sins of the world.'"<sup>5</sup>

In the First Prayer Book two changes were made in respect of the Agnus, (1) the minister was no longer to say it, (2) the singing by the choir was to be during the reception. But the Agnus was not the only prayer which was then interpolated between the consecration of the elements and their consumption. The "Prayer of Access" at that time *immediately* followed the consecration, which enabled Bishop Gardiner to interpret the Prayer Book in this fashion—

"As touching the *adoration of Christ's flesh in the sacrament*, which adoration is a true confession of the whole Man's soul and body, if there be opportunity of the truth of God in his work, is in my judgment well set forth in the Book of Common Prayer, where the priest is ordered to kneel and make a prayer in his own, and the name of all that shall communicate, confessing therein that is prepared *there*."<sup>6</sup>

The result of this "mistaking" was that Cranmer and his colleagues removed the Prayer of Access and placed it *before* the Prayer of Consecration, where it was no longer liable to a sinister interpretation. Can it be doubted that the change made at the same time by which reception was made to follow *immediately* upon the consecration was also designed to prevent any similar perversions? As Father Gasquet justly observes—

"Taken in connection with the treatment to which the whole service was subjected, this omission of the Agnus cannot be considered accidental . . . the scruples felt at the strained interpretation put by Gardiner on the 'Prayer of Humble Access' as opening the door to adoration, would have a *greater* effect in determining the Revisers to *this* change."<sup>7</sup>

A careful study of Gardiner's "mistakings" of the

<sup>5</sup> Becon's "Displaying of the Popish Mass," *Works*, iii.-278. The *Judgment*, p. 42, assigns this work incorrectly to "temp. Eliz."

<sup>6</sup> *Cranmer's Works*, P. S., I.-229.

<sup>7</sup> *Ed. VI. and the First P. B.*, p. 294.

First Prayer Book, followed as they were in each<sup>8</sup> instance by a corresponding alteration of the Liturgy, proves that the "Ministers and mistakers" denounced in the second Act of Uniformity (5 and 6 Ed. VI., c. i.) were the Romish incumbents of whom Gardiner was the able and subtle spokesman.

It is childish to treat so grave a feature in the Revision of 1552 as though it were a mere matter of euphony relating solely to verbal repetitions. Such iterations often have, on the contrary, a most touching and irresistible plaintiveness. Hence, as is noted in the *Judgment* (p. 61), in the *Gloria* as altered in 1552, "the words are repeated with variations three times instead of twice"—so little intention was there of merely getting rid of repetitions. But after the consecrated viands had been completely consumed, a point as to which, by the way, Cosin was justly jealous,<sup>9</sup> there ceased to be any danger of worshipping the sacrament, however superstitiously disposed a congregation might be. Hence the incorporation of the *Agnus* with the *Gloria*, which was then wisely postponed as the climax of our Thanksgiving until after the total consumption of the elements.

It is extraordinary that professional theologians should overlook (p. 63) the wide discrepancy in their supposed parallel between the Baxterian formula "The body of Christ which was broken for us, and offered *once for all*" and the use of "qui tollis"—who art in the act of taking away the sins of the world. The *Agnus* sung before the consecrated host by kneeling worshippers lends itself readily to the "blasphemous figment and pernicious imposture" that "the priest does offer Christ for the quick and dead, to have remission of pain or guilt." How real is this danger is shewn by the following

*Agnus removed in 1552 not to "avoid repetition."*

*But to avoid idolatry, and the admission of a renewed or continuous Sin-Offering in the Mass.*

<sup>8</sup> For details, see *Tomlinson on the Prayer Book*, p. 29.

<sup>9</sup> "If he be careful as he ought to be, to consecrate no more than will suffice to be distributed to the communicants, none will remain." (*Cosin's Works*, v.-356.) Compare Scotch Liturgy of 1637.



extracts from a work published by the Head of one of our Theological Colleges:—

"The Bread and Wine are made, through the power of GOD the HOLY GHOST, verily and indeed the BODY and BLOOD of CHRIST, and are offered to God the Father as the Eucharistic Sacrifice."<sup>10</sup>

"Look upon the face of Thy most well-beloved SON, *Whom we offer unto Thee as a Sacrifice* of praise, of thanksgiving, and ATONEMENT."<sup>11</sup>

"Give, by this Holy Sacrament . . . succour, help, and consolation; bestowing Thy grace upon those still in the flesh, and granting *eternal rest to all the faithful departed*."<sup>12</sup>

"We beseech Thee, O LORD GOD Almighty, for the souls of 'the faithful departed' [especially . . . ] that this great Sacrament of Thy love may be *unto them* salvation, joy, and refreshment."<sup>13</sup>

Judgment  
inconsistent  
with itself.

The decision against any ritual mixing (a "ceremony retained" in the First Prayer Book) is inconsistent in principle with the retention of the Agnus, seeing that the permission for the choir to sing it at this point was formally withdrawn. Nay more, it is in evidence that at the last revision a proposal was formally made to enact as a new rubric—

Singing  
Agnus "in the  
Communion  
time" de-  
liberately  
rejected in  
1661.

"*In the Communion time shall be sung (when there is a quire), O Lamb of God,*" &c. (twice).

This was entered by an inserted leaf in Sancroft's "Fair copy" now in the Bodleian, as an alternative form, with a Memorandum that "both [were] left to censure."<sup>14</sup> But in this "corrected copy," which Lord Selborne<sup>15</sup> holds to be the result of the Revision by the Committee which met at Bishop Wren's house, is the following note in Sancroft's hand, "*My LL. the BB. at Ely House ordered all in the old method:*" and as to the

<sup>10</sup> Letter by Ed. King, D.D., to Rev. C. T. Elliott, p. 49.

<sup>11</sup> Ibid., p. 53.

<sup>12</sup> Ibid., p. 57.

<sup>13</sup> The Altar Manual, 1883, p. 111, recommended in The Communicant's Manual, with a Preface by Ed. King, D.D., p. 28.

<sup>14</sup> Parker, Hist. Revis., p. 211.

<sup>15</sup> Notes on Liturgy (Murray), pp. 44, 47.

proposed restoration of the Agnus, Sancroft expressly records that—

"Only the rubric, '*In the Communion time shall be said or sung,*' &c., with the sentences following WHOLLY OMITTED."<sup>16</sup>

Therefore the omission of the Agnus was not a mere *casus omissus*—a matter overlooked by inadvertence—but a deliberate ratification by the Revisers of 1661 of the decision of the Framers of *both* the Edwardian Prayer Books, as being in each case their *latest and most matured* judgment. The "experts" did not betray any knowledge of this pertinent evidence.

### LIGHTS.

(*Judgment*, ed. Macmillan, pp. 65-80 = pp. 74-88, Law Report, P.D., 1891.)

The "historical research" is remarkable for omitting all the really important facts. Thus at p. 66 it is concealed that Cardinal Langton, who had taken part in the Council at Lateran, promulgated the Constitution quoted in the *Judgment* (p. 90) as the first order for "two candles at Mass time," in a Synod at Oxford in 1222, which adopted the Lateran decrees.<sup>1</sup> The dogma of Transubstantiation, *eo nomine*, was first formulated at that fourth Lateran Council, and its president, Innocent III., was the first person to speak of lights set *on*<sup>2</sup> the altar itself. Thus both the genesis of the custom and its introduction into England are alike inseparably bound up with the localized worshipable "presence" supposed to reside behind the candles and within the consecrated Host.<sup>3</sup> The very "Canon" cited from Lyndwood by the *Judgment*, p. 66, as authorising "the usage" in England, bade the laity worship the host "as their Creator and Redeemer." Lyndwood (p. 249) in a passage which the

Lights "before the Sacrament" began, continued, and ended with Wafer-worship and "Offerings-for-Sin" in the Mass.

<sup>16</sup> Parker, *Hist. Revis.*, pp. 222, 226. Cf. Card., *Conf.*, 391.

<sup>1</sup> *Wilkins*, i.-594. Moreover, what Lyndwood cites was not a "Canon" passed by the English Council, but a "statute" promulgated by the Primate *alone*—"statuta legenda in Conc. Oxon. edita per Dom. Stephen Langton," &c.

<sup>2</sup> Schmid's *Liturgik der Christkatholischen Kirche*, ii.-39.

<sup>3</sup> *Wilkins*, i.-594.

Court does not notice, viz., *De celebratione*, cap. 10,<sup>4</sup> quotes the Decretals as directing a light to be borne before the wafer in procession to the sick man's house because *It*, the sacrament, "is the whiteness of the eternal light" ("lumine precedente quum sit candor lucis æternæ").

The Synod of Exeter, in 1287, prescribed two lights at least during the celebration "ob reverentiam sacramenti;" and what was meant by "reverence" is shewn by the accompanying direction that at "the elevation of the body of Christ they shall not irreverently bow, but bend the knee, and adore their Creator with all devotion and *reverence*." Lastly, it bade the priest be careful not to elevate before the words of consecration "lest the creature be worshipped *instead of* the Creator."<sup>5</sup> Similar statements are made in this connection by Lyndwood (p. 249) and De Burgh<sup>6</sup> where he distinguishes between the "reverence of the exterior sacrament" and the "reverence of the Thing *contained* under the forms."

Dr. Rock, in his *Hierurgia*, p. 41, says these lights "proclaim our exultation for the actual presence of our blessed Redeemer"; and the Council of Trent, in the very passage referred to in the *Judgment*, p. 70, said—

"She [holy Mother Church] has likewise employed *ceremonies*, such as mystic benedictions, *lights*, incense, vestments and many other things of that kind, that thereby *the majesty of so great a sacrifice* might be commended, and the minds of the faithful be excited by these visible signs of religion and piety to the contempla-

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<sup>4</sup> The Decretal referred to by Lyndwood says—"Sacerdos vero quilibet frequenter doceat plebem suam ut quum in celebratione Missarum elevatur hostia salutaris se reverenter inclinet, idem faciens, quum eam defert presbyter ad infirmum. Quam in decenti habitu superposito mundo velamine ferat, et referat et manifestè ac honorificè ante pectus cum omni reverentiâ et timore, semper lumine præcedente, quum sit candor lucis æternæ." The Court gives, on p. 90, a reference to this very Decretal.

<sup>5</sup> *Wilkins*, III-132, col. 2.

<sup>6</sup> *Pupilla Oculi*, cap. viii. *ab. & af.*



tion of those loftiest Things which *lie hid in this sacrifice*," viz., of the Mass. (Sess. 22 [misquoted in the *Judgment* as Sess. '2'], cap. 5.)

The Council of Cologne, presided over by Cranmer's friend Herman, in 1536 bade the priest carry the Host "with a light ever going before, that the people may understand by this sign, that He is present THERE who is the whiteness of the eternal light."<sup>7</sup> In order to keep out of sight this plain fact, the *Judgment* carefully ignores two of the phrases in the Injunction, viz.—

(1) "On the High Altar" and

(2) "*Before* the Sacrament."

But the alleged connection between candles and Christ was made contingent upon these two circumstances, and the reason is obvious. No change of doctrine whatever as regards Transubstantiation or the "real," *i.e.*, local, residence of Christ within consecrated wafers had taken place when the Injunctions of Edward VI. were issued on July 31st, 1547. Christ was still supposed to be "reserved" and "carried about" when the wafer was thus treated.

Injunctions of Edward VI., 1547, supported the doctrine of Transubstantiation.

After the death of Henry, the "Six Articles Act," under which so many had been put to death, continued to enforce the following dogmas under pain of death, viz.—

1. Transubstantiation.
2. Lawfulness of denying the Cup to laity.
3. Denial of Marriage to priests.
4. Vows of Celibacy, called "chastity."
5. Private Masses.
6. Compulsory Confession to (bachelor) priests.

The "Necessary Doctrine" (or "King's book,") taught these same dogmas authoritatively.

"The bread and wine," it said, 'do not remain still in their own substance, but by the virtue of Christ's word in the consecration be changed and turned to the very substance of the body and blood of our Saviour Jesu Christ. . . In the sacrament, the things that be *therein* be the very body and blood of Christ in very substance.'<sup>8</sup>

<sup>7</sup> "ILLIC Eum esse præsentem qui est candor," &c., 38. b. ed. 1541.

<sup>8</sup> *Formularies of Faith*, p. 263.

This formula was enforced under the statutes 32 Hen. VIII., c. 26, and 34 and 35 Hen. VIII., c. 1: so that Transubstantiation with its attendant superstitions continued to be the authorised and received doctrine of the Established Church in England during the whole of the year 1547. The Act 1 Ed. VI., c. 12, passed on Christmas Eve in that year, is said to have repealed these statutes.<sup>9</sup> The effect of such repeal would merely be to leave the doctrines open to dispute; but not to substitute a purer creed for the one which had thus ceased to be binding. Before the "First Prayer Book" was enacted in the last week of 1548 (the "Second year of Edward VI."), no *doctrinal* change whatever had been effected, unless the giving back the cup to the laity could be held to involve a denial of the doctrine of "concomitancy." That doctrine had been clearly laid down in "The King's Book" in these words—

"He that receiveth the Sacrament worthily under one kind, as under the form of bread only, receiveth the whole body AND BLOOD of Christ, and as many and great benefits of Christ as he that receiveth it in both kinds."<sup>10</sup>

On April 3rd, 1547 (only a few months after the burning of Anne Askew and three others), Bonner received a commission<sup>11</sup> to persecute heretics, Astlen, Dobbe, Hume, and others being imprisoned under the "Six Articles Act;" and Harley (afterwards Bishop of Hereford) was committed for "heresy." Even so late as June 27th, 1548, *twelve months after* the Injunctions cited by the Court, Gardiner declared that "the Mass as I understand it is the foundation of all religion, the ancient faith in this matter is still the law of the land."<sup>12</sup> It follows that the lights which were "suffered to remain still" were to teach the same doctrine which was also taught by the light before the Pyx, and the light borne in procession before the reserved host: in each case that

<sup>9</sup> Stephens's *Eccl. Stat.*, 1.-262.

<sup>10</sup> *Formularies of Faith*, p. 265.

<sup>11</sup> This Commission is printed in Foxe, *Acts and Mon.*, ed. Townsend, Vol. V., App. No. xx., and viii.-715.

<sup>12</sup> Froude, v.-104. See *Cranmer's Works*, i.-239, 240.

"Christ the light of the world" was then present "under the forms of bread and wine" "on the high altar" and within "the Sacrament." Indeed "the lamp" burning before the reserved wafer was recognised as *one* of the "two" lights ordered by Langton—"vel ad minus una *cum lampade*." At Southwell in 1499, "the *fire* is sometimes lacking in the lamp, through neglect of the servers, so that the priests about to begin Mass stand without light sometimes for a quarter of an hour to the weariness of the Mass hearers."<sup>13</sup> Bishop Grandisson has entered in his register the rules for St. Mary Ottery, Devon, which directed that each altar was to be provided with its own Mass book, chalice, corporas cloth, cruets, vestments, and *one* candle.<sup>13b</sup> This provision of a single light was ratified by Clement VI. in 1342. If collegiate churches like Ottery and Southwell habitually utilised their "lamp" at Mass, we may be sure that ordinary parish churches would not go to the expense of *two* candles, for wax was then very dear. Yet our "spiritual" judges assure us that "It would be contrary to the history [*sic*] and interpretation of the two lights on the Holy Table to connect them with erroneous and strange teaching as to the nature of the Sacrament!"<sup>14</sup> Cardinal Vaughan and the staff of "the Italian mission" would entirely concur. John de Burgh, Chancellor of Cambridge, in the very same sentence, of which the *Judgment* only quotes half (p. 91), adduces Lev. vi.-13, "fire shall ever be burning on My altar," as the reason why it is not lawful to celebrate without fire ("sine igne, *i.e.*, sine lumine"). Thomas Langley's Abridgment of Polydore Vergil's *History of Inventions*, London, A.D. 1546 (cap. vi., p. 108, being the very year before the celebrated Injunctions of 1547 on which the Court relies) testifies that—

<sup>13</sup> *Visitation Book*, Camden Society, p. 67.

<sup>13b</sup> "Unum cereum." Hingston-Randolph's *Register of Bishop Grandisson*, p. 131. So Becon describes how at the close of the Mass "Ye put out *the* candle, and solemnly making courtesy to your God that hangeth over the altar, ye trudge out of the church" (*Works*, iii.-282. Compare 257, "ye have a candle lighted").

<sup>14</sup> *Judgment*, p. 80.



"Fire was kept continually on the altar by the priestes (Jewish), for without it and salte could no sacrifice be duly made or ordinarily offred, and we in oure Masses have ever a taper of waxe burning."

Is this notion of sacrificial fire burning ever upon the altar to be reputed "erroneous and strange teaching"? Unhappily it is "historical."

The Mass  
destroyed by  
the First  
Prayer Book.

Now the important point which the *Judgment* slurs is that the First Prayer Book made a *break* in the continuity of this teaching as to the Lord's Supper. This is clear to anyone who contrasts the language of the Missal with that of the First Prayer Book, which, to facilitate comparison, I have printed side by side.<sup>15</sup>

The same thing is clear also from the controversy between Cranmer and Gardiner, as to which we must remember that Gardiner had no hand in framing the First Prayer Book, while Cranmer was its principal compiler. But, above all, we have the testimony of the Bishops of both parties as given in the House of Lords during a three days' public debate in which *both the Romish and the Protestant prelates agreed that in the Prayer Book, adoration, oblation, and elevation of the Host had been abolished*: while Cranmer, Ridley, and Holbeach, by way of justification, insisted that the wicked did not, because they could not, eat the body of Christ in the use of the Lord's Supper. (See Gasquet's *Edward VI. and the First Prayer Book*, p. 395.) It has been carefully collated with the original MS. now in the British Museum,<sup>16</sup> and published at 6d by J. F. Shaw as the *Great Parliamentary Debate on the Lord's Supper*, 1548.

<sup>15</sup> *Canon of the Mass according to the use of Sarum, and the First Prayer Book compared*, published by J. F. Shaw. (Price 4d.) In the Royal Preface to the Homilies as published in 1547 (two of which were by Bonner and Harpsfield), they were to be read at "High Mass," and this was repeated in 1548; but in 1549 this was changed to "at the celebration of the Holy Communion."

<sup>16</sup> MS. Reg. 17, B. xxxix., p. 265. *The Guardian*, December 17th, 1890, says—"That it contains an accurate, though condensed, report of the discussion, which lasted from December 14th to December 18th, no one who knows anything of the opinions of the different speakers could for a moment doubt."

What, then, was the relation of the Injunctions of July 31st, 1547, to the Prayer Book of 1549? The one recognised and enforced the ritual proper to Transubstantiation, and to the seven sacraments in their Latin dress: the latter taught the one oblation on the cross to have been but "once offered" yet "full, perfect, and sufficient," and the sacrament itself only to "be unto us" that which it signified. This change from the objective "be MADE unto us" of the Missal, to the merely relative "be unto us" was pointed out by Day, Bishop of Chichester,<sup>17</sup> as one of the reasons which made him refuse to subscribe to the Prayer Book. For he saw, as Cranmer subsequently told Gardiner, that—

"In the book of the Holy Communion we do not pray absolutely that the bread may be MADE the body and blood of Christ, but that *unto us* in that holy mystery they may be so."<sup>18</sup>

Bonner also complained, "the faults in the book are these: there is heresy because it is called bread."<sup>19</sup>

Hence the Injunctions of 1547, so far as they related to the Mass, were necessarily abrogated by the Act of Uniformity in 1549, because both the doctrine and ritual of the Mass were thereby abrogated. Bishop Gardiner was deprived for refusing to admit that—

How the Injunctions of 1547 were adapted to an altered creed, and worship in 1549.

"The mass that was wont to be said of priests was full of abuses and had very few things of Christ's institution . . . and therefore justly taken away by the statutes and laws of this realm, and the Communion which is placed *in the steade thereof* is very godly and agreeable to the Holy Scriptures."<sup>20</sup>

And this important and fundamental fact the Court ignores! The Proclamation Act under which the Injunc-

<sup>17</sup> Gasquet, p. 404.

<sup>18</sup> *On the Lord's Supper*, p. 79.

<sup>19</sup> *Great Debate*, p. 69. Bishop Scott insisted on the same point in 1559, contrasting the missal with the Communion Office: "the prayer is to this end that the creatures may be MADE unto us the body . . . but as for this new book there is no such thing mentioned." (Cardwell, *Conferences*, p. 113.)

<sup>20</sup> Dasent's *Acts of the Privy Council*, iii.-74.

tions are alleged to have been issued had been repealed by the 1 Edward VI., c. 12, sec. 4, passed on Christmas Eve, 1547. Whatever force, therefore, the Royal Injunctions had, could avail nothing against a later statute.

Hence all the Mass ritual prescribed merely by the Injunctions of 1547 became illegal on the coming into force of the statutory Prayer Book, except so far as "mentioned" in it.

The Injunctions had to be published quarterly from the pulpit; therefore after the Act of Uniformity, the later Visitation Articles of 1549 prescribed—

1. That all parsons, vicars and curates *omit* <sup>21</sup> *in the reading* of the injunctions all such as make mention of the Popish mass, of chantries, of *candles upon the altars*, or any other such like thing.

2. Item, *for an uniformity*, that no minister do counterfeit the Popish mass, as . . . setting any light upon the Lord's board at any time; and finally, to use no other *Ceremonies* than are *appointed* in the King's Book of Common Prayers, or kneeling *otherwise than is in the said book*.

13. Item, that going to the sick with the Sacrament the minister have not with him either light or bells.<sup>22</sup>

Ridley's Diocesan Injunctions, given in his Visitation in May, 1550, begin: "That there be *no reading* of such Injunctions as extollet and setteth forth the Popish Mass, candles," &c.: and he forbade "counterfeiting the Popish Mass in setting any light upon the Lord's board. And finally, that the minister, in the time of Holy Communion, do use only the *ceremonies* and gestures appointed by the Book of Common Prayer, and *none other*, so that there do not appear in them any counterfeiting of the Popish Mass."<sup>23</sup>

<sup>21</sup> Such "omissions" in publishing official documents were the customary mode of rescinding older directions. Thus Archbishop Peckham was ordered by Edward I. to recall certain excommunications. "*Deleatur et pro non pronunciata habeatur illa clausula.*" (*Wilkins*, ii.-40.)

<sup>22</sup> Cardwell, *Doc. Ann.*, i.-74.

<sup>23</sup> *Doc. Ann.*, No. xxi.



On this Mr. Scudamore remarks—<sup>24</sup>

“It is especially worthy of note that, where he is supported by these Articles or other known authorities, he speaks in a tone of command: that where he is not, he only exhorts and recommends. He *orders* that there shall be no reading of Injunctions that set forth candles, and that no minister shall ‘set any light upon the Lord’s board;’ while he ‘*exhorts*’ the curates and churchwardens, for reasons which he gives, to remove the stone altars”: because altars were not “abolished” by the First Prayer Book, and the Order in Council for their removal had not then been issued. (See above, pp. 16, 39.)

In the same way, Hooper’s Injunctions of 1551, while ordering the clergy to “*not read* such Injunctions as extollet and setteth forth the Popish Mass, candles,” &c., and forbidding the “setting any light upon the Lord’s board,” yet at the same time direct “the homilies to be read orderly according to the King’s Majesty’s Injunctions.”<sup>25</sup>

It is clear that Hooper and Ridley would not have dared publicly to forbid the reading and enforcement of Royal Injunctions, and this, too, in London itself, unless they had the law at their backs. In fact we know that the Sheriff, Sir John Gates, was despatched by the Government to enforce Ridley’s Injunctions. And the point which has escaped the notice of the Court is that the Visitation Articles of 1549, which, they admit (p. 93), were “before the Prayer Book came into use,” are not adduced as having made any change in the law, but as evidencing what changes had been involved in the adoption of the Prayer Book of 1549: or as Lord Cairns expressed it, “as shewing the contemporaneous feeling with regard to the *effect of the Prayer Book*.”<sup>26</sup>

Evidential  
value of  
official acts  
done under  
the First  
Prayer Book  
by its  
Framers.

Cardwell is referred to by the Court (p. 68) in order to shew that the Visitation of 1549 was subsequent to the First Prayer Book. Yet the very next sentence in Card-

<sup>24</sup> *Not. Euch.*, p. 130. Cf. *Judgment*, p. 20, line 4.

<sup>25</sup> *Later Writings*, p. 128. See above, p. 39, note 60.

<sup>26</sup> *Fourth Report of the Ritual Commission*, p. 220, col. 2.

well dissipates the fallacy which is put forward in the Judgment.

"But though issued after the publication of the Prayer Book, these Articles are of the same year, and afford evidence of the contemporary practice in matters of rites and ceremonies. They prove accordingly that candles upon the Lord's Table, being especially mentioned (see Article 2) as not included among those ceremonies which were appointed in the Book of Common Prayer, are not among those ornaments 'which were in this Church of England by authority of Parliament in the second year of King Edward VI.'"<sup>27</sup>

Similarly, "chantries" having been abolished by 1 Ed. VI., c. 14, the Injunction of 1547 relating to chantry priests was ordered to be "not read." Canon Dixon<sup>28</sup> says—"That which was done in silence by the book itself, was done expressly by the Articles of Visitation by which the book was to be enforced."

At p. 93, the Court says—

Ridley at  
St. Paul's.

"1550. NO INDICATION.—Before he would enter the choir at St. Paul's (April 12th) Ridley orders to put out 'the lytt of the aulter,' i.e., lamp suspended before it.—*Chronicle of the Grey Friars*, Camden Society, 1852 (*Obs.* not the candles. Milman, *Annals*, quotes incorrectly)."

But the Court has overlooked the facts that, after a sermon by Bishop Coverdale, the reserved host had been publicly removed from the high altar at St. Paul's by Dean May, so early as March 17th, 1549, as the same *Chronicle* testifies (p. 58), and the suspended lamp would of course disappear along with the suspended pyx. Also, that the marginal heading to the passage quoted was "Puttynge ovte the lyttes" (plural) 'at the [a]ulter in Powlles.' See Cotton MS., Vitell. F. xii., p. 358.<sup>29</sup> "The light" was used generically, as in Cromwell's Injunction of 1536, which speaks of "the light that

<sup>27</sup> *Doc. Ann.*, 2nd edit., i.-75.

<sup>28</sup> *History of the Church of England*, iii.-38, the very page cited in the *Judgment*, p. 68.

<sup>29</sup> Howlett's *Monumenta Franciscana*, ii.-227, supplies the marginal headings left out by Camden Soc. editor.

commonly goeth *across the church*<sup>30</sup> by the Rood loft," and which might include any number of separate lights. Thus Dean Milman shews himself to be the more accurate "historian."

The *Judgment* proceeds (p. 67): "Cranmer in his Visitations which were legal proceedings, and had the authority of a Court, enquired whether . . . the two lights upon the altar [had been] retained." Those who ransack the Appendix will find that the *one* visitation thus referred to was in "1547-8," when the Latin Mass was still in force, and the old Romish system (save the elevation of the Host, and the denial of the cup), in full swing. But what the Court omits to mention is that in 1550 *under the First Prayer Book*, Cranmer issued a second series of Articles from which all mention of the now illegal lights was omitted, and, like Ridley, Cranmer asks instead, "Whether you use any other *ceremonies* at the communion . . . than is mentioned or allowed *in* the same book."<sup>31</sup> A further injury to Cranmer's memory is done in this *Judgment*. Under the head of "1550" (at p. 94) it is simply narrated that "Gardiner, in criticising Cranmer's *Lord's Supper*, implies that lighted candles are now disused." Under the year 1548<sup>32</sup> appears—

"NO INDICATION. Cranmer's *Catechism*: In his 'Answer to a Craftie and Sophisticall cavillation,' Cranmer replies to Gardiner that he is not responsible for the pictures in the Latin of Justus Jonas (1539). His own *Catechism* has Scripture pictures in the places [*sic*] referred to."

Anyone who turns to the book itself will be astonished at this representation. Gardiner accused Cranmer of having reproduced the original woodcut: "Where is the altar with candle light set forth, the priest apparelled

<sup>30</sup> "24 cups of latten for the rodelofte to sett lightes upon." Tyssen's *Surrey Inventories*, A.D. 1549, p. 114. See below, p. 91, note 55.

<sup>31</sup> Cranmer's *Remains*, p. 159.

<sup>32</sup> *Judgment*, p. 92.



*after the old sort.*" Cranmer's reply is applicable to much of the picture evidence in this Judgment—

"But in this place may appear to them that have any judgment, what pithy arguments you make and what dexterity you have in gathering of authors' minds, that would gather my mind and make an argument here of a picture neither put in my book, nor by me devised, but invented by some fond painter or carver, *which paint and grave whatsoever their idle heads can fancy.* You should rather have gathered your argument upon the other side, that I mislike the matter, because I left out of my book the picture that was in the original before." <sup>33</sup>

FACSIMILES OF BOTH THESE PICTURES ARE SUBJOINED FOR COMPARISON.



(LORD'S TABLE PLACED N.S. BY CRANMER.)

Cranmer's "mislike" had been shewn by his omitting the words "before the sacrament" from the Visitation Articles of 1548 before referred to: and since the lights were the only things specified by Gardiner which were not actually *prescribed* by the Prayer Book of 1549 (which Cranmer was, very shortly after, passing through the Committee appointed by the King to meet at Windsor), we understand why he took care to exclude from it a rite which he so greatly "misliked."

<sup>33</sup> *On the Lord's Supper*, p. 227.

Surely if stress may be laid upon the Visitation Articles of 1548 which were *not* under the First Prayer Book, the Articles of 1550 and 1551 which were under it and related to its requirements, were at least as much "legal proceedings and had the authority of a Court" (p. 67), as those which the Court happens to like better.

The Court refers (p. 93) to the letter from Bucer and Fagius dated at Lambeth on April 26th, 1549, in which they said—

Bucer's  
Letter.

"As soon as the description of the ceremonies now in use shall have been translated into Latin, we will send it to you. We *hear* that some concessions have been made both to a respect for antiquity, and to the infirmity of the present age; such for instance as the vestments commonly used in the Sacrament of the Eucharist, and the use of candles: so also in regard to the commemoration of the dead, and the use of chrism; for we *know not to what extent or in what sort it prevails*. (Nescimus enim quantum aut quale hoc sit.)" <sup>34</sup>

But it is to be observed that when Bucer and Fagius wrote this letter they had not had twenty-four hours' experience of England, and were entirely ignorant of the language: no translation of the new Prayer Book then existed, while its actual use *began* on June 9th, *i.e.*, some six weeks *later*. On the same day (April 26th), Fagius wrote two letters in each of which he said, "I cannot at present give you any *certain* information about English affairs." <sup>35</sup> Bucer and Fagius added that "these things . . . are *only to be retained for a time*, lest the people, not having yet learned Christ, should be deterred by too extensive innovations from embracing his religion." <sup>36</sup>

<sup>34</sup> *Ep. Tigurinæ*, p. 349.

<sup>35</sup> *Orig. Letters*, pp. 332, 535. Gorham's *Ref. Gleanings*, p. 78.

<sup>36</sup> Compare Luther's explanation—"We allow the Mass dresses, altar, lights, to remain, until they all disappear, or it pleases us to alter them; but whoever will do otherwise herein we let him. But in the true Mass, among simple Christians, the altar must not remain so, and the Priest must always turn to the people, as without doubt Christ did in the Supper. Now let that wait its time." Daniel *Codex Liturgicus*, ii.-105. Compare *Hebert on Lord's Supper*, ii.-297. Luther's avowed dislike of the Mixed Chalice is pointed out

That temporary toleration may have ceased at the introduction of the "First Prayer Book"; but in any case the second-hand impressions of newly-arrived foreigners can be no "evidence" as to the requirements of a book with which they had then had neither time nor opportunity to become acquainted.

Romish  
"Sesqui-  
conformists."

On the same page, the Court quotes (again incorrectly) the letter of Bishop Hooper, who on December 27th, 1549, complained of the nonconformity of certain old "Popish" incumbents—

"Where they used heretofore to celebrate in the morning the *Mass* of the apostles, they now have the *communion* of the apostles; where they had the *Mass* of the blessed Virgin they now have the communion which they call the *communion* of the Virgin; where they had the principal, or High Mass, they now have, as they call it, the high communion. They still retain their vestments and candles *before* the altars. . . . God knows to what perils and anxieties we are exposed by reason of men of this kind."<sup>37</sup>

These candles "*before*" the altars were, however, not altar-lights, but the two tapers ordered by the Sarum Consuetudinary to be carried by acolytes and set down at the altar-*step*. Six months before Hooper's letter was written, the Privy Council had complained to Bonner of his connivance at similar irregularities to those mentioned by Hooper, and the use of side altars had been forbidden by an Order in Council dated June 24th, 1549.<sup>38</sup>

in Elwin's *Mixed Chalice and the Lincoln Judgment*. So as to the E. P., Daniel (ii.-6) remarks, "Nam quanquam altarium *διοκονομαίαν* non vides mutatam, ut nunc est, sacerdos stans ante altare fere omnia recitat versus ad populum, exceptis collectis quae canuntur et verbis consecrationis atque oratione Dominicâ in coenâ sacrâ. Adeo in nonnullis Germaniæ regionibus, praesertim in Saxoniae provinciis, multi tibi obvia sunt altaria, parieti ecclesiae non contigua atque omnino ita comparata ut sacerdos stans ad aræ partem posticum omnes ritus celebret versus ad populum."

<sup>37</sup> Compare Bucer's *Script. Angl.*, p. 706. The original Latin is *Vestes illas ac lumina ad altaria servant adhuc. Ep. Tigurinae*, p. 46. *Orig. Lett.*, p. 72, cf. 547.

<sup>38</sup> Cardwell, *Doc. Ann.*, I., Nos. xvi., xvii. and xviii.



Thus, the "ministers and mistakers of the Prayer Book," complained of<sup>39</sup> in the 5 and 6 Edward VI., c. 1, are adduced by a Spiritual Court as proofs of what the Prayer Book (which these men intentionally caricatured and travestied) really meant!

Yet such examples of ritual irregularities may suffice to explain Hooper's wish<sup>39b</sup> that the King would take further steps to secure the total exclusion of the now illegal lights, just as, in the same sermon, he denounced the use of "salt" and "lights" at Baptism, which "ceremonies" had also been abolished and rendered illegal by the book of 1549.<sup>40</sup>

Hooper's  
Sermon.

The argument that no change in the law was made by the First Prayer Book, if true, might be extended and even retorted; for since no change in respect of lights was made by the Second Prayer Book, we may adduce the later evidence to shew what the law as to lights was during the whole reign of Edward from June, 1549, up to his death. (See above, p. 22.)

Evidence of  
framers of  
Prayer Book.

In 1551 (still under the First Prayer Book) Cranmer said—

"Thus our Saviour Christ, like a most loving Pastor and Saviour of our souls, hath given us warning beforehand of the perils and dangers that were to come, and to be wise and ware, that we should not give credit unto such teachers as would persuade us to worship a piece of bread, to kneel to it, to knock to it, to creep to it, to follow it in procession, to lift up our hands to it, to offer to it, *to light candles to it* . . . having always this pretence or excuse for our idolatry 'Behold **HERE** is Christ.'"<sup>41</sup>

Latimer preached his celebrated "Sermon on the Plough," on the very day on which the Act of Uniformity passed the House of Lords, January 15th, 1549. He said—<sup>42</sup>

"Where the devil is resident, and hath his plough going, there

<sup>39</sup> See *Tomlinson on the Prayer Book*, p. 16. <sup>39b</sup> *Judgment*, p. 93.

<sup>40</sup> Hooper's *Early Writings*, p. 533. Cf. *Hole's Manual of the Common Prayer*, p. 166.

<sup>41</sup> *Answer to Gardiner*, p. 238. Compare rubric, the body and blood "are in Heaven, and not **HERE**."

<sup>42</sup> *Sermons*, p. 70.

away with books, and up with candles; away with Bibles, and up with beads; *away with the light of the Gospel, and up with the light of candles, yea, at noon-days.*"

No higher authorities as to the meaning of the First Prayer Book than Cranmer, Ridley, and Latimer can be imagined. Cox, another of its compilers (remarkable as having assisted at *both* revisions of Edward's Prayer Book as well as at that under Elizabeth), also adds his testimony, which is given below (p. 93).

Is the burning  
of lights "for  
signification"  
a "Cere-  
mony"?

The next suggestion of the Court is that the burning of two lights for symbolic purposes is not a ceremony. Yet the definition quoted from the Council of Trent, which enumerates "*lumina*" among "*ceremonies*," and the extract from Dr. Donne as to illuminations on Candlemas Day being "*ceremonies*," were both legitimately used by the Dean of the Arches, and by the Privy Council in *Martin v. Mackonochie* for an exactly opposite purpose. The custom of burning candles on Candlemas Day at Evensong, which Donne calls a "*ceremony*," exactly resembles the use of lights at Communion, so far as regards the *mode of using* the candles. When Cranmer and Ridley spoke of "*ceremonies at the Communion*" (*supra*, p. 80, 83), and Ridley and Hooper specify "*setting any lights on the Lord's board*," they furnish contemporary and official proof as to the meaning of the word "*ceremonies*" in the Prayer Book.

Harding, the Romanist, taunted Bishop Jewel—"If lights at the Gospel and Communion be not had . . . judge ye whether ye have duly kept the old *ceremonies* of the Church."<sup>43</sup>

<sup>43</sup> *Def. Apology*, p. 176. Compare *Jewel's Reply*, pp. 177-178. So Rastell (*Confutation*, p. 35)—"Furthermore in the primitive Church goodlye tapers and lights were used: how read you the old doctors? Were they not? If they were, how be you not ashamed of the darkness, which is *generallie* in you and your communion?" The old meaning of "*generally*" (*i.e.*, universally) must not here be overlooked.

In the correspondence between Calvin and the Frankfort refugees, both parties described the lights as "ceremonies." So, too, the fourteenth Canon speaks of ceremonies "in the administration of the Sacraments," as distinct from "the matter and form thereof." The employment of a symbol in a public act of worship is a ceremony. The mere *act* of lighting is not symbolic, whereas the "two lights before the Sacrament" were "set" expressly for "signification." So the retention of the surplice was described by the Puritans as one of the "three nocent ceremonies;" yet was not either "an action or act in worship."<sup>44</sup>

At the Savoy Conference, "Dr. Bates urged Dr. Gunning that on the same reasons they so imposed the cross and surplice, they might bring in holy water, and lights, and abundance of such *ceremonies* of Rome which we have cast out."<sup>45</sup>

This meaning of the word is illustrated by the Visitation Articles published by the Ritual Commission. Thus Bishop King, 1612, asks—

"Whether doth your minister use the administration of the Lord's Supper, Baptisme, . . . under such words, rites, and *ceremonies* as are set forth and prescribed by the said book of Common Prayer, and no other."<sup>46</sup>

And Bishop Harsnet, in 1620, asked—

"Whether doth the minister . . . administer the Sacraments with due observation of all rites and *ceremonies* prescribed to be used *in the administration* thereof, without adding, altering, or omitting any part and parcel of the said prayers, or innovating any other matter in the administration of either of the Sacraments."<sup>47</sup>

Bishop Chaderton of Lincoln, in 1598, in his Visitation—

"Whether any do use in such perambulations any banner, crosse,

<sup>44</sup> *Judgment*, p. 71.

<sup>45</sup> Sylvester's *Life of Baxter*, p. 340. Cosin (*Works*, v.-230) regarded the preface "Of Ceremonies" as applying to the two lights, and calls them (p. 440) "a significant *ceremony*."

<sup>46</sup> *Rit. Comm. Rep.*, II., p. 463.

<sup>47</sup> *Ib.*, p. 485.



or any such like Popish *ceremonies*, other than is prescribed and permitted by the Book of Common Prayer and the Laws of the realm."<sup>48</sup>

On the theory propounded in the *Judgment* there would be nothing whatever in the Act of Uniformity to restrain anybody from the employment of images or other inanimate objects for religious purposes during Divine Service, and there could be no possible limitation to the individual "will worship" of the celebrant. Such an interpretation of 1 Elizabeth, c. 2, is exactly contrary to that given in *Martin v. Mackonochie*, and it lacks justification.

Elizabeth  
burned  
image-lights,  
not Mass-  
lights.

The lights used by Elizabeth in her chapel were described by Strype as "contrary to her own Injunctions."<sup>49</sup> They were contrary even to the Injunction of 1547, for they were *not* lights "before the Sacrament," but were burned "before" and in honour of the crucifix. They were not used as being authorised by the Prayer Book; for that came into use in the Queen's chapel on May 12th, whereas the lights were not introduced till October 9th—and then as part of the tortuous State policy by which Elizabeth was misleading Philip as to her proposed marriage with his Roman Catholic nephew. The intricate story of the vacillating ritual adopted, abandoned, and then adopted again, but always from motives of Statecraft by Elizabeth, is told at length in my little pamphlet, *Queen Elizabeth's Crucifix: its Secret History and Real Meaning* (John F. Shaw & Co. Price 1d). The Act of Uniformity could not control the Royal chapel, because there was no "common or open prayer for other to come unto;" and, moreover, the Crown alone is Ordinary with an exclusive jurisdiction over all Royal peculiars.

Bishop Burnet in his sermon before the House of Commons, in 1688, said—

"I myself have seen the letters of the Chief Bishops of that time,

<sup>48</sup> Brit. Mus. "5155. a. 20." Repeated in 1604. *Rit. Rep.*, 449.

<sup>49</sup> *Life of Parker*, I.-92.

from which it appears that the Queen's stiffness in retaining some ceremonies flowed not from their councils, but from the practices of some disguised papists." <sup>50</sup>

So far from being illustrative of the Prayer Book, this "ceremony" was designed to indicate to all parties the Queen's intention to *change* the form of the Established religion. Her crucifix-lights were used at Evening Service. Thus the Spanish Ambassador reported—

In despite of her own Injunctions, and of the Act of Uniformity.

"The Queen commanded that a crucifix and some candles should be placed on the altar. On this account a dispute arose between her chaplains and the members of her Council, who neglected to do what the Queen had commanded on *that evening*. On the Saturday, at *Vespers*, it was done." <sup>51</sup>

So, in 1560 (misdated "1565" in the *Judgment*, p. 97), the candles were described by Strype as burning at "Evensong." <sup>52</sup> The Afternoon Service had ended on that day after five. "At a Christening, September 20th, 1565 . . . at 5 P.M." <sup>53</sup> Her lights were always regarded as appendages to the crucifix. Thus Dean Sampson, of Christ Church, Oxford, calls it the "image with its candles"—*imaginem cum candelis*; <sup>54</sup> and Stapleton, the Jesuit, in 1565, asked—

"Why do not Protestants allowe the blessed crucifix of our Saviour, why burne they not lighte *before* it as they see the Queene's most gracious Majesty doth?" <sup>55</sup>

The Court attaches great weight to the statement in Williams' *Holy Table* as evidence of the usages of

<sup>50</sup> Brit. Mus., "699 f. 2," p. 15.

<sup>51</sup> MS. Simancas, cited in *Second Report Rit. Comm.*, p. 83. Hume's *Spanish State Papers*, pp. 105, 108.

<sup>52</sup> *Annals*, I.-i.-298. Mr. Perry, *L. C. O.*, p. 170, in quoting this, alters "burning" into "being"!

<sup>53</sup> *Judgment*, p. 96.

<sup>54</sup> *Z. L.*, I.-64.

<sup>55</sup> *Fortress of the Faith*, Antwerp, 1565, 4to., p. 152. It will be observed that "lighte" is in the singular, as in the case of St. Paul's at pp. 82, 83. Compare Hall's *Documents from the Simancas*, p. 93.

Elizabeth. It can hardly refuse, therefore, to accept this extract from p. 39 which appears to have escaped notice.

"What if all her chappell was thus set forth, to comply with forreigne princes, and to make them beleieve shee was not so farre esloigned from the Catholic religion, as was bruited abroad? Were all the churches in England to take pattern by this, who might not possess a picture in this kind; no, not any of the subjects in their private houses."

By an odd piece of carelessness the *Judgment* gives (twice over, pp. 72, 96) as a voucher for the statement that the candles were "lighted daily in the Queen's chapel," a letter of Bishop Parkhurst in which he merely says—

"Good news was brought me, namely that the crucifix and candlesticks in the Queen's chapel are broken in pieces, as some one has brought word, reduced to ashes."

Cosin not trustworthy as a voucher for Elizabethan usages.

Instead of being, as Cosin alleged, used "during her whole reign," the Court itself says (p. 73) that they "ceased to be lighted;" and both the crucifix and its lights disappear from history after 1567, when Parkhurst reported its final destruction.<sup>56</sup>

As to "Lord Burleigh," Cosin was only four years old when Burleigh died in 1598. It is incredible that Burleigh used lights because all the contemporary allusions shew that Elizabeth's were unique, and exceedingly notorious. "In solâ aulâ crucifixi imago cum candelis retinetur," said Sampson.<sup>57</sup> Cosin's<sup>58</sup> absolute ignorance

<sup>56</sup> Gorham, *Ref. Gleanings*, p. 435.

<sup>57</sup> *Z. L.*, I., App. 36. The English ambassadors in France and Scotland report the keen interest with which this Royal decoy-signal was watched in Foreign Courts. See *S. P. Foreign Eliz.*, Oct. 26th and Nov. 2nd, 1559, and pp. 86, 370.

<sup>58</sup> The quotation from Calixtus made by Cosin and cited in the *Judgment*, p. 100, as evidence about Luther related *not* to lights "before the Sacrament," but to lights at the Gospel, a much older and more Evangelical ceremony based (with somewhat childish literalness) on Ps. cxix.-105. See *Krazer De Liturgiis*, p. 218. Luther's *Works*, ii.-384, ed. 1562. Moreover, this was in 1523; whereas his later views in 1526 are recorded above, p. 85.



of even elementary facts about the history of the Reformation is shewn in the very next sentence. He says—

“In the latter end of King Edward's time they used them in Scotland itself, as appears by Calvin's letter to Knox and his fellow Reformers *there*, anno 1554, Ep. 206, where he takes exception against them, for following the custom of England.”

The blunders of that sentence are exquisite.<sup>59</sup> *First*, His proved ignorance of elementary facts relating to Reformation. 1554 was not “in King Edward's time.” *Second*, Knox was not, and had not for years been “in Scotland.” Knox remained in England from 1549 until Edward's death; and there was no public Protestant service in Scotland until 1558 at the earliest. *Third*, the letter in question was *not* written to “Knox,” but to Dr. Cox, afterwards Bishop of Ely. *Fourth*, so far from its “appearing that they used” altar-lights, both parties wrote to Calvin to tell him that he had been misinformed. Cox wrote, “As for lights, we never had any;”<sup>60</sup> while the Puritans eagerly disclaimed the authorship of the slander.<sup>61</sup> “By cause that Maister Calvin in his letter maketh mention of lights, some might gather he was untruly informed that in the English Book lights were prescribed, the CONTRARY whereof appeareth by the description before.”

There is no authority for saying that Andrewes' candles were ever used except at Evensong. He himself said the “burning of candles at noonday, is altogether a pagan custom,” and instances it among “some of the superfluous and wicked *ceremonies* of the Papists borrowed from the heathen.”<sup>62</sup> Andrewes.

The fancy (p. 73) that our Lord alluded to “the

<sup>59</sup> The excuse is sometimes offered that Cox's name was misspelled “Cnox” in the book from which Cosin quoted: but that accentuates the proof of ignorance. It is as though a schoolboy were to assert that the *Czar* of Russia or the *Kaiser* of Germany invaded Britain, because he had seen *Cæsar*'s name spelled in that way. Cosin is cited in the *Judgment* under various dates fourteen times, and as a voucher for a period of 108 years! A long list of Cosin's blunders is given in *The Church Intelligencer*, iii.-114; others are noted by the Rev. T. W. Perry, *Lawful Church Ornaments*, App. xl. His “Notes” are exhaustively analysed in *Tomlinson on the Prayer Book*, chap. vii.

<sup>60</sup> *Orig. Letters*, p. 757.

<sup>61</sup> *Troubles at Frankfort*, p. 54.

<sup>62</sup> *Minor Works*, p. 370.

Sun-light, not candle-light, the "Light of the World." lighting' [at eventide] 'of the great candelabra in the Temple' [which had previously taken place] 'on the' [first day of the] 'Feast of Tabernacles,' is gratuitous.

Bengel and Stier regard the day-dawn as the immediate allusion in John viii.-12: but were it otherwise, the analogy of language, and the contrast between  $\phi\omega\varsigma$  and  $\lambda\acute{\upsilon}\chi\nu\omicron\varsigma$  or  $\phi\acute{\epsilon}\gamma\gamma\omicron\varsigma$  which Archbishop Trench notices in his *New Testament Synonyms*, point to a *contrast* rather than to any true analogy between the artificial lamp-light of the Temple, and "the Sun-light ( $\phi\omega\varsigma$ ) of the World." As manna was not "the *true* bread," so the continued employment of manna now, were it possible, would be a mistake analogous to the suggested reproduction of the Temple candelabra.<sup>63</sup>

Altars abolished by the Act of Uniformity, as shewn by Injunctions of 1559; Lights on the High Altar vanished with it.

The Court next deals (p. 73) with the Injunctions of Elizabeth: but omits to notice that they were not merely based upon, but for the most part copied from the Injunctions of Edward, and that the permission to "retain" the lights "on the high altar before the sacrament" was now *struck out*. Every one of the Injunctions of 1547 directed by the Royal Visitation Articles of 1549 to be omitted (*supra*, p. 80) was omitted accordingly in Elizabeth's revised Injunctions of 1559.

Royal Visitation of 1559.

The meaning of these Injunctions of 1559 is shewn by the action of the Royal Visitors who issued and enforced them, and who included in their number all the leading statesmen of that day, who had taken part in the passing of the Act of Uniformity (1 Eliz., c. 2), and could not be ignorant of its requirements. The *Judgment* claims that, whereas at the death of Mary, in 1558, there were in Lincolnshire ninety-one churches which had candlesticks (p. 95), in 1566 only "four churches retain candlesticks at the date of this return" (p. 97). It is a pity the Court did not mention *how* these candlesticks were "retained."

<sup>63</sup> St. Ephræm the Syrian, commenting on Exod. xxxvii., says. "But when the Dawn appeared, through Our Lord, the service of the lamps became vain and passed away." (*Opp. Syr.-Lat. Romæ*, 1737, Vol. I., p. 230.)

Peacock's *Church Furniture*, to which they refer, says (p. 110), KIRBIE UNDERWOOD, candlesticks "remaining at this present time but thei are broken in pieces;" PICKWORTH (p. 123), candlestick "remaining in our parish church broken in pieces and unsold;" EDNA, (p. 75), "defaced yet remaining."<sup>64</sup> Archdeacon Aylmer, afterwards Bishop of London, elicited these facts in his Visitation in 1565-6, and they shew the result of the Royal Visitation in 1559. Yet our spiritual Judges gravely sum up this evidence, at p. 107, as a proof that in "1558-1610 candlesticks remain in many places."

Under "1567" the Court sets aside the testimony of Bishops Horn and Grindal, who said—

"The Church of England, too, has entirely given up the use of a foreign tongue, breathings, exorcisms, oil, spittle, clay, lighted tapers, and other things of that kind, which by Act of Parliament (*ex legum prescripto*) are never to be restored."

On this the Court adds "[Obs. this refers to baptismal rites]." No doubt it does, but not exclusively. And the Court has overlooked in the above sentence the all-important words which shew that Grindal and Horn regarded the omission of these things (like that of the *Agnus*) from the Prayer Book as constituting their *statutory* abolition: in other words that "omission was prohibition." Nor had the Court any authority for rejecting the Parker Society's translation "lighted tapers" (*accensos cereos*) by adding "*i.e.*, torches" (p. 97). "Torches" though not used at Baptism were used at Mass, so that a misplaced ingenuity has defeated its purpose of diverting the allusion from the Mass ritual. On various fonts in Norfolk and Suffolk "the seven sacraments are depicted," torches being sculptured as one of the properties of the Mass.<sup>65</sup>

<sup>64</sup> Dr. Stephens (*Second Rit. Report*, p. 82) shewed from these same inventories that the illegality of altar-lights was recognised. That was in 1867, yet the same facts are termed "new light" in 1890.

<sup>65</sup> Micklethwaite's *Ornaments of the Rubric*, p. 36.



Jacobean  
usage.

The *Judgment* proceeds (p. 74)—

“During the reign of James I. (1603-21) lights were lighted in the chapels of the King, the Prince of Wales, and others, as for instance Bishop Andrewes.”

This statement is unvouched and is believed to be quite unfounded. As regards the King we have the testimony of Andrew Melville, who thus describes the service at the Chapel Royal—

“Cur stant clausi Anglis libri duo regiâ in arâ ?  
Lumina cæca duo, pollubra sicca duo ?”<sup>66</sup>

For the Spanish marriage it is true that “the Prince of Wales” was furnished with altar candlesticks: but we learn from *Howell's Letters* (p. 140) that the candlesticks taken to Madrid for Prince Charles' chapel were “never used.” Bishop Andrewes has already been dealt with (p. 93).

Fabulous  
“evidence.”

What right has a Court, however Spiritual, to invent its facts, and then to found a Judgment upon them ?

Lights before  
Sacrament  
not used by  
Cosin.

Peter Smart's charges again come up: but they do not even affirm<sup>67</sup> that there were any lights burned “on the high altar before the sacrament.” On the other hand the Court omits to mention that Cosin declared on oath, that at Durham “during the whole season of the year no candles were lighted or used for the performance of Divine Service but when it was dark.” Psalms and Lessons never did form any portion of the Communion Service: yet the following is Cosin's account of the use to which his lights were actually put:—

“That sixty candles were placed upon and about the altar (as it is here called) he knoweth not; but upon the Communion Table two lights used only to be set, with a number of small sizes in the places near adjoining, for the better performance of the church service; and for the use and benefit of those persons that repaired thereunto, both for the *singing of the Psalms* together with the quire, and for having the better use of their books when the *Lessons* and prayers were read. For this end were the lights set up, not for any mysterious or superstitious purpose (as here alleged by the complainant) in a fond imitation of the Papists.”

<sup>66</sup> Fuller, *Ch. Hist.*, b. x.-70.

<sup>67</sup> *Cosin Corr.*, I.-xxvii.

This sworn statement is surely better evidence than "indictments" only known by hearsay to have existed. And even the Revolutionary Parliament accepted them as a refutation of Smart's Articles."<sup>68</sup>

Prynne's attack upon Laud is stated by the Court to have included a charge of using lighted tapers. This is a mistake; and even were it true, a "charge" is not a conviction. Archbishop Benson subsequently withdrew the quotation marks from the words "burning by daylight," on p. 76 of Macmillan's edit., p. 84, L. R., P. D. Laud himself sums up the allegations on this head which were true, viz., that "on the Lord's table . . . were two candlesticks with tapers, BUT NOT BURNING."<sup>69</sup> Prynne merely produced a plan (*not* Laud's) shewing the site of two candlesticks upon the table taken from Andrewes. Prynne (*loco citato*) never charged the burning of lights "before the sacrament," or at a celebration. He did allege that "Upon this new altar he had much superstitious furniture *never used in his predecessor's days*," and he claims that Dr. Haywood, Laud's chaplain, had seen in the Royal chapel at Whitehall "not only tapers and candlesticks standing, but likewise burning in the daytime on the Altar."<sup>70</sup>

This statement of Haywood (offered by way of excuse for the *minor* peccadilloes of his patron) is the only ground for the belief that candles were burned at Whitehall, and it does not describe the circumstances under which this was done. It may have been purely exceptional, just as during the trial of Bishop King at Lambeth, the proceedings had to be conducted by

<sup>68</sup> See *High Commission of Durham*, Surtees Soc., p. 223, and *Cosin's Works*, iv.-390.

<sup>69</sup> *Rushworth*, second part, pp. 279-80.

<sup>70</sup> *Canterbury's Doom*, p. 63. The reference to "Laud's chapel" (*Judgment*, p. 97) is merely to the *ground plan* of Andrewes' chapel, yet it is polled again at p. 98 as "evidence" of the use of altar-lights at Holy Communion in 1621 and 1633! Laud himself repudiated all responsibility for it (*History of his own Troubles*, p. 342).

candle-light, a fact embalmed to posterity in the pages of *Punch* (March 8th, 1890).

The Court thinks it an "important point to notice that Prynne does not proceed under the Act of Uniformity" (p. 77). But Prynne does specify that the ritual offences charged were contrary to the "Statutes," which could only mean the Acts of Uniformity. Those Acts required an entirely different Court from the one he was addressing: besides which, Laud was not being tried for nonconformity, but for "constructive" treason, and the whole proceedings were in the nature of passionate declamation rather than of formal proceeding on an indictment. The evidence is that neither Cosin nor Laud ever burned "lights before the sacrament": that they were not even charged with so doing: and that they themselves affirmed the contrary.

Moreover, so far from the candles having been "retained" or "remaining," as Cosin's posthumous "Notes" might suggest, all the evidence relating to the period shews that these things were "advanced," "brought in," and denounced *at the time* as "innovations" during the lifetime of the same generation which expelled them. Laud and Cosin themselves introduced these tapers for the purpose of decorative illumination into nearly every cathedral in England. But this furnishes no indication of "historic continuity"; whereas the uproar it occasioned is a proof of the absolute novelty of the practice.

The supposition that lighted candles were used at the Coronation of Charles I. at Edinburgh, is probably due to a mistake. As Canon Robertson pointed out<sup>71</sup> "in Spalding's dialect the word or particle *on* has a negative or primitive sense, so that 'on light,' unlight, or an '*on lichtit*' all mean the same thing."<sup>72</sup>

<sup>71</sup> *How shall we Conform?* p. 392, 3rd edit.

<sup>72</sup> *Fourth Report of Ritual Commission*, p. 141.



At p. 107 of the *Judgment*, we read—

“1621-41. Candles apparently general, and lighted in many places. Chapels, Colleges, Cathedrals”; and again at p. 79, “In the quiet and consciously Protestant period between 1680-1750, the evidence for and against the use of lights lighted *or* *unlighted* seems equally balanced.”

It is always difficult to prove a negative: yet the absence of any complaints from Puritans of lights being burned “before the sacrament” is accentuated by their direct testimony to the fact that the candles which they disliked were burned only at Evening Service. Taking only the period selected by the Court, we have (beside Hiceringill and the Pauline poet cited below at pp. 105, 106) the following testimonies:—

1637. Prynne, in his *Quench Coal* (p. 34), “There is no analogie between the Communion table and light, unless in respect of those candlesticks, and *unburning* tapers which some Popish novellers place for a double shewe upon it.”

1637. Mr. Chancy, of Ware, in Hertfordshire, in his *Retraction*, p. 6, says of the Laudians, “Yea, they will have *tapers* and books *never used*.”<sup>73</sup>

1640. In the celebrated Convocation of that year, Warminstre, Proctor for Worcester, said, “I know not why we should have candles in the day time; I wish there may not be so much as an emblem of a fruitless prelacy or clergy in the Church, that only fill the candlestick, but give no light.”<sup>74</sup>

1641. *Vox Borealis*, a Puritan pamphlet, relates how a person “coming into a new-altered church, and looking upon their implements, told his friend that was with him . . . that . . . their two dark tapers betokened blindness and ignorance.”<sup>75</sup>

1660. On the eve of the Savoy Conference “divers ministers of sundry Counties” published “*Reasons shewing the necessity of reformation*,” in which they complain of the Laudian party that “they must have all (*except* candles lighted) that are upon Popish altars where Mass is used.”<sup>76</sup>

1674. Hickman wrote, “We, in England, in many places set candles and candlesticks on the tables, but do not light them.”<sup>77</sup>

1695. A Puritan writes: “In some topping churches you shall see

<sup>73</sup> *British Museum*, “E. 168.”

<sup>74</sup> *Neal's Hist. Puritans*, ii.-9.

<sup>75</sup> *Robertson*, p. 79.

<sup>76</sup> *Hier. Ang.*, p. 329.

<sup>77</sup> *Hist. Quinq-Articularis, Exarticulata*, p. 13.

huge unlighted candles (for what use nobody alive can tell), but the meaner churches are forced to shift without them." <sup>78</sup>

1705. A Scotch Presbyterian, writing against the Union with Scotland, urged, "We shall have *blind* lights, altars, and bowing to the altar." <sup>79</sup>

1715. Bishop Hoadley, writing against the Ritualistic proclivities of some congregations, speaks of their "over-altars, with the never-lighted candles upon them." <sup>80</sup>

1727. (?) A dissenting writer of George II.'s time, wrote: "There is no command for setting up of candles upon communion tables, and yet we see unlighted candles placed on collegiate and cathedral altars, which some inferior churches awkwardly ape." <sup>81</sup>

These writers sought to find all the fault they could with the existing "face of worship" in the Established Church of their own day, and their negative testimony is eloquent to prove that "lights before the sacrament" were then unheard of.

Under the head of "new light" may fairly be reckoned the Lancashire Inventories which mention "candlesticks" in the autumn of 1552.<sup>82</sup> But the Court failed to notice that out of the nineteen Lancashire churches in the second volume of Bailey's book not one had a Prayer Book, two had Mass books, one had a manual, fifteen had sacring and sanctus bells for ringing at the elevation which had been *forbidden even by the First Prayer Book*, while holy-water stocks, pyxes, paxes, side altars, Easter sepulchres and the like are frequent entries. Even when goods were assigned "to the use of the church," it must not be inferred that they were necessarily for use in the manner which had previously been lawful. For the terms of the Royal Commission expressly recognised that ornaments in the custody of "the churchwardens and parochians" were "*either* to be used to the intent they were at first given, or *to some* OTHER necessary and convenient service of the

<sup>78</sup> *Hierurgia Anglicana*, p. 354.

<sup>79</sup> *Lathbury's Hist. Common Prayer*, p. 427.

<sup>80</sup> *Hunt's Religious Thought in England*, iii.-48, note.

<sup>81</sup> *Lathbury*, p. 427.

<sup>82</sup> *Judgment*, p. 94.

church.<sup>83</sup> The mere retention of candlesticks is no more a proof of the retention of "lights before the sacrament," than is the fact gravely recited in the *Judgment* (p. 103) that Dr. Prideaux, in 1712, enumerates "branches for lights, candlesticks, or other such things," along with "pulpit cloths" and "pulpit cushions," as things which churchwardens might purchase. Even in the eighteenth century artificial light was sometimes required, and before the invention of gas, "candlesticks" might conceivably be employed without necessarily involving their use for signification "before the sacrament." Under "1710" one taper is pictured as alight when Queen Anne attended the thanksgiving at St. Paul's on December 31st, 1706. But that "service" did *not* include a celebration of Holy Communion. A series of Queen Anne's Official Services, fifteen in number, each concluding with the benediction after the Prayer for the Church Militant (only four collects intervening) is preserved in the British Museum.<sup>84</sup> This arrangement was based on precedents ranging from Charles II. downwards.<sup>85</sup> It may be mentioned that the Bishops who sit in a row within the rails all had their backs to the table, as also had the preacher (Bishop Burnet) and the Peers who were present. The cushion, being at the *end* of the Table, is not noticed in the *Judgment*.

The "Worcestershire Inventories" adduced (in a misprinted reference) at p. 94 of the *Judgment*, as having "candlesticks" had *also* holy-water pots, an Easter sepulchre, sacring and sanctus bells to be rung at the elevation; pyxes, paxes, "a canopy of brass wherein the pyx hangeth;" lamps to hang before the reserved wafer—but only *one* Prayer Book. The Church of St. John Bedwardine has the significant entry: "iij candlesticks

<sup>83</sup> *Cranmer's Register*, fol. 55. b.

<sup>84</sup> "3406 d. 6." That for December 31st, 1706, is marked "3407, c. 52."

<sup>85</sup> See Harrison's *Historical Inquiry into History of Rubrics*, pp. 253, 260.



which *wosse* apon ye awters." Yet these pertinent facts are unnoticed in the *Judgment*.

An amusing instance of "throughness" is the polling at p. 95 of a print in Tyndale's New Testament<sup>86</sup> shewing a choir empty of worshippers but arranged as before the Reformation, with the side motto, "The quier is UNGODLY TEACHERS and rulers." Such Puritan symbolism designed in grim irony to illustrate Rev. xi., is supposed to vouch for an *authorised* use of two lights at Holy Communion in 1552!

The Church of St. Christopher, mentioned in the *Judgment*, p. 96, as described in "*Archæologia*, vol. 45," does *not* shew the list as "revised in 1550;" and though "they retained one pair" (which had doubtless been re-introduced under Mary), yet the voucher given in the *Judgment* says—"These items struck through with the pen," and has opposite to them, "These parcels are sold." Moreover, the date, "July 24, 1559," was *before* the Royal Visitors had made their round. And the inventory does not profess to state what articles were *in use*, but only what were "taken into the ward and keeping of" the churchwardens for sale or otherwise.

Bishop Patrick's *Christian Sacrifice* is said to shew "an altar at the back of the scene of the institution of the Last Supper." But the so-called "altar" is simply a raised desk on which the Bible stands between two lights; and the "association" spoken of (p. 104) between an altar and a domestic table for sacrificial *feasting* was this, that the latter was *not an offering at all*, and was presided over by a layman: nothing sacerdotal belonging to the idea of it save its connection by a "Holy Communion" with the already accepted covenant-Victim in virtue of a *bygone and fully completed* act of Offering which had necessarily "ceased."

The Court lays great stress upon a Dutch engraving of

<sup>86</sup> Compare Bale's *Select Writings*, p. 385, or *Church Quarterly Review*, October, 1893, p. 152.

the coronation of William III., shewing two lights on the table: but the value of such "evidence" may be gauged by this fact that in the British Museum ("605, k. 13") is a volume of engravings, also Dutch, giving three separate pictures of the same moment, yet no two of them agreeing as to the details. Thus, while the plate on p. 13 shews no lights whatever on the table, though many lights are seen elsewhere, the plate on p. 20 shews two candelabra with three lights each beside a row of three separate candles arranged at each end from the front to the back of the table, together with a multitude of similar lights all about the end of the church, and eastward of the dossal. On p. 23 a pendent chandelier of twelve lights hangs over the table, and lights are burning about the table at either end, but none *on* the table itself. "Even so these false witnesses agreed not together."

The Communion Service proper did not commence till about 5 p.m., owing to delays described by Miss Strickland,<sup>87</sup> and more fully by Lamberty,<sup>88</sup> and Westminster Abbey had been darkened by the erection of galleries down each side for the use of the spectators, so that artificial light was really needed on that April afternoon.

In the largest of these plates the king and queen occupy the front of the table, while the clergy are placed at the ends; and this may explain the kneeling cushion shewn at the front of the table, and which was also used at the offertory (as it still is at Westminster Abbey).<sup>89</sup>

<sup>87</sup> *Queens of England*, vii.-210, 211.

<sup>88</sup> *Memoires de la Revolution*, pp. 240-251.

<sup>89</sup> In Canterbury Cathedral a kneeling stool before the table for presenting the alms and oblations has long been in use: "but anyone who should infer from it that the priest stood there to consecrate would draw an erroneous conclusion." (*Archdeacon Harrison's Charge*, 1875, p. 114.)

## PICTURES.

Lights on  
Table were  
not "lights  
before Sacra-  
ment," but  
used at Even-  
song.

In the formidable looking list of pictures given at the end of the *Judgment* (pp. 90 to 108) only two represent a "celebration" by candle-light.

Of these the oldest is dated 1682, "The Communicants' Guide." But the copy in the British Museum contains no such picture as figured by Mr. Chambers, who says, "the original book was unfortunately lost." The *Judgment*, however, relies on Mr. Chambers' reprint, which shews a dove descending through clouds with surrounding rays over a table which contains only a large salver with two lighted candles. But the officiating clergy turn their backs to these lights and stand within an enclosure bounded by a counter broad enough to hold the sacred vessels, round which counter, on each of its four "sides," kneel the communicants, the eastern row having their backs to the table. It would be desirable to inspect the original, for Mr. Moultrie mentions a similar hollow counter in another book, of which he says, "The name of the artist is Van Hone [Houe?], and I should be inclined to think from this and also from the fact that the principal minister wears a black Geneva gown that the picture is a foreign one."<sup>1</sup>

The other picture is merely Picart's altered plate of the Communion at St. Paul's. In the earlier edition of 1736 one of the candles shews clearly its blackened but unlighted wick, the other has a flaw in the cross-hatching which leaves a white spot *in situ*. What is more likely therefore than that the foreign artist by way of hiding the defect should improve his picture by altering both into flames? Such "touchings up" are well known to all picture-makers. Besides these two pictures there are six others which shew the candles lighted, but, for aught that appears, at Evening Service. De Laune's "present state of London" is not in the copies at the

<sup>1</sup> *Guardian*, March, 1871.



British Museum. As figured by Mr. Chambers (p. 286) it shews the sacrarium of St. Paul's without any elements or vessels on the table, and without anybody within the rails. Yet the *Judgment* itself shews (pp. 99, 100) that in 1641 and 1660 St. Paul's candles were unlit, and it quotes from the description of "Cathedral Paul's"—

"When we at Matins, and at Evensong were,  
We had them by us *then* devoid of fear."

The same remark applies to the one picture of Peterborough, which figures twice over in the list (pp. 99, 101). Addison's "Introduction to the Sacrament" shews a preacher in a pulpit on the south side of the nave, addressing people in pews, all of which face due south, while in the background of the picture is a large salver and two lighted candles on the otherwise empty table. The preacher is dressed in a black gown, and the church may be lighted by chandeliers or otherwise for aught that appears.<sup>2</sup>

A view of Peterhouse Chapel, Cambridge, is adduced<sup>3</sup> as shewing candles "lighted": it occurs in a picture of the *exterior* of that College, measuring 11 $\frac{3}{4}$  in. by 18 $\frac{7}{8}$  in. The portion referred to is here reproduced in the margin, *the exact size of the original*, and it will be observed that no indication exists that any celebration of Holy Communion was intended. Owing to their minute size, it is not clear whether the candles were lighted; but the interior of King's College depicted in the



<sup>2</sup> In the same book an actual administration is also depicted, but without lights.

<sup>3</sup> *Judgment*, pp. 102, 107.

same volume, shews that the candles were unlit. Hence they are not noticed in this *Judgment*. The print of "The house of prayer," in Patrick's *Devout Christian*, gives three candles lighted in a row and occupying the whole length of the table, but no hint of Holy Communion ; indeed, the whole representation is symbolical.

Hickeringill speaks of "*illegal ceremonies*, bowing, *ducking and cringing* to the east, to the altar, towards the lighted candles," and this is quoted (with the omission of the words in italics) in the *Judgment*, p. 101. But, in the same volume, Hickeringill has (p. 387) a chapter on the comparative folly of the Laudian "Ceremony-monger" in bowing to the east "where there is nothing," and that of the Romanist who "bow to things Divine transubstantiated from a silly wafer." Hence it is clear that he was speaking of Evening Service, since the worship of the host would certainly have been charged had he seen "lights before the sacrament." The *Judgment* itself admits (p. 78) that he ridicules the candles as being "unlighted," both before and after the date fixed upon.

Under "1698," and again "1719," are duplicates of De Laune's picture mentioned above. Magdalen College, Oxford, shews lighted candles, but in a gloomy and darkened church, with an empty chancel, and no indication of a celebration of Holy Communion. It is right to mention that at this college to which James II. gave a Roman Catholic Head, "two candlesticks were used for Mass in the college chapel in the spring of 1688."<sup>4</sup> So at St. Nicolas', Cole Abbey, on the death of Edward, "Mass began, sung in Latin, and tapers set on the altar, and a cross."<sup>5</sup> But these undoubted

<sup>4</sup> *Guardian*, November 5th, 1890.

<sup>5</sup> Strpye, E.M., III., i.-34. "Heare is no newese but candlesticks, books, bells, censores, crosses and pixes. The high altar in Powles church is up again," Sept. 8, 1553. Foxe, vi.-767. Cf. Becon's *Works*, iii.-257, 282. Under Mary "at each ende a candelsticke: and a book towarde the myddes." (*The Fardle of Facions*, 1555.)

precedents the Court forbore to urge. Drake's *Eboracum*, however, is quoted (p. 104, cf. 107) to shew that at "every" service candles were lit. This blunder was pointed out in the *Second Report of the Ritual Commission* (p. 26), the word "every" having been ingeniously substituted for "Evening" in the Ritualistic work, *Hierurgia Anglicana*, dated 1848, from which our Spiritual Judges have taken their "new light."

It is respectfully submitted that such fancy pictures as these, many of which served for half a dozen separate books, are no evidence whatever of the legality or the continuity of the practice of burning lights "on the High altar before the sacrament," which was the thing to be proved.

No writer save Foxe, after the accession of Elizabeth quotes the words of Edward's Injunction. Cosin never mentions the words "before the Sacrament." Wheatly is but one of the long line of commentators who fancied that the candles were to be lit, apart from "the Sacrament," whenever other lights were used. And this tradition (though like most others, inaccurate, yet) accounts both for the pictures and for the later practice.

## RITUAL CROSSINGS.

(*Judgment*, ed. Macmillan, pp. 81-87 = pp. 89-94, Law Report, P.D., 1891.)

The only point worthy of note in this part of the *Judgment* is the assumption that crossing might conceivably be "a continuance of old prescription in the Church of England, or a compliance with prescription which could historically affect our service"; or "the continuance, unprescribed but unforbidden, of some earlier appointed usage" (pp. 84, 86). This assumption is entirely contrary to the spirit and intention of the Acts of Uniformity.

Acts of Uniformity did not permit ritual to be "revived" at caprice of Celebrant.

Those Acts were designed to abolish the varying Uses, and to substitute but one Use. For this purpose they point out that "the Curate shall need none other



book but this book and the Bible" (1 B. Ed.); and the issue of the Prayer Book was immediately followed up by admonishing the Bishop of London, because divers did "frequent and haunt foreign rites and masses," bidding him see "one *only* order used in your diocese, according to Our book and no other."<sup>6</sup> Bonner was further bidden to preach at Paul's Cross, declaring that "if any man shall use the old rites, and thereby disobey the superior power, the devotion of his ceremonies is made naught by his disobedience"<sup>7</sup> In September, 1549, Bonner was formally article'd because

"The rites of the common service of the Church, now set forth, be in some parts of your diocese *diversely* used; and you, knowing or hearing of the same, have not called any ministers of the service before you for redress of such diversity, nor corrected the misusers thereof."

This "Misuse" is described in the articles as ministering "after the old rite and manner, other than according to the King's majesty's book."<sup>8</sup>

In December, an Order in Council directed the destruction of all the old Service books, that "they never after may serve either for *any such use as they were provided for*, or be at any time a lett to that godly and *uniform* order."<sup>9</sup> This was followed by the 3 and 4 Ed. VI., c. 10, punishing the concealment of unreformed Office books, since they "did minister great occasion to diversity of opinions, rites, ceremonies, and services." On July 11th, 1550, Bishop Gardiner was required to subscribe that the Communion "should be through the whole realm in one uniform conformity, and no occasion through these old books given to the contrary"—to secure which "the books of the service in Latin, heretofore used, should be abolished and defaced."<sup>10</sup> Cranmer's, Ridley's, and Hooper's Visitation Articles

<sup>6</sup> Foxe, v.-729.

<sup>7</sup> *Ib.*, p. 745.

<sup>8</sup> *Ib.*, p. 763.

<sup>9</sup> *Doc. Ann.*, i.-75. Dasent's *Acts of the Privy Council*, pp. 74, 133.

<sup>10</sup> Dasent's *Acts of the Privy Council*, III.-75. Compare p. 79 *supra*.

(*supra* pp. 80-81), point to the same standard, expressly forbidding all "Cautels or digressions." The "cautels" were ritual directions for the celebrant at Mass. Similarly, under Elizabeth, at the very first meeting of the bishops of both Provinces, it was agreed "that all old service books, grailes, antiphonars, and other, be defaced and abolished by order in Visitations."<sup>11</sup> This was regularly done in articles issued by the Ordinaries, of which the following may serve as a sample:—

"Whether there be any in your parish that are noted, known, or suspected to conceal or keep hidden any Mass books, portesses, breviaries, or other books of popery and superstition, or any chalices, copes, or other vestments or ornaments of superstition, uncanceled and undefaced, which is to be conjectured they keep for a day, as they call it. And who they be?"<sup>12</sup>

May we not say that the harbinger of that "day" may prove to be the day when such a Judgment as this on Bishop King could become possible in England for the first time since the Reformation?

Never before was a Judgment published containing so many inaccurate quotations, so many mis-statements of fact, or so many unverifiable vouchers, and perversions of "history." Apart from its literary demerits Lord Grimthorpe has further shewn in his *Review of the Lambeth Judgment* (Kensit) how unsatisfactory it is on legal grounds also.

<sup>11</sup> *Doc. Ann.*, I.-265.

<sup>12</sup> *Rit. Rep.*, 461-lxiii.

The illustration (p. 114) from Foxe's *Acts and Monuments*, 1570, shows an ideal church so drawn as to exhibit the preaching of the Word and the ministration of the two Sacraments as described in our Nineteenth Article. The lower half (lengthwise) exhibits a congregation consisting of women sitting under the pulpit, while the men stand further off, as the custom was before pews or seats had become universal. Parallel with this, another section displays the font as being used at a baptism, the clerk in his rochet, and the clergyman in his surplice, while "the people with the children" stand around. Near the upper end of the church, though *not* marked off from "the body of the church" by any screen or raised platform, is "the Communion Table" (as the label indicates) shewing its "frame" (the legs of which are joined together by horizontal bars of wood), the table cover being apparently an old altar-cloth adapted for its new purpose as shewn by retaining its vertical markings. The table stands free of the east wall separated by a space in which stand two tall flagons.





## ANALYSIS OF THE LISTS APPENDED TO THE LAMBETH JUDGMENT.

THE following table has been prepared to enable every reader of the *Lambeth Judgment* to test for himself the value of the so-called "new light." To enable the items to be readily referred to, each illustration has been numbered by placing consecutive numbers opposite those dates only which are printed in the left-hand column of the *Judgment*, at pp. 90-122. The second List (*Judgment*, p. 109), on Eastward "Position," has its own *independent* numbering.

If the reader will similarly number his own copy it will be seen that out of 144 examples of "altar-lights," only twenty even *appear* to shew any lighting at Holy Communion; and out of ninety-three alleged instances of the "Eastward Position" only six shew *any* sort of employment of the Western side of the table. Each of these has been separately examined, and the appropriate page references to this pamphlet (marked T) are added in brackets, so as to exhibit the absolute failure of the so-called "evidence."

The result of this analysis is to shew that *not one* instance of "lights before the sacrament" is really in evidence, and that *not one* instance of standing before the table, as charged against Bishop King, has been hitherto adduced.

### APPENDIX I.—"LIGHTS."

(*Judgment*, ed. Macmillan, pp. 90-108 = pp. 95-107, Law Report, P.D., 1891.)

ONE HUNDRED AND FORTY-FOUR EXAMPLES ARE GIVEN: but of these

The following are *non-relevant*, viz. :—

- 2 relating to France (Nos. 111 and 115).
- 3 relating to Commonwealth (Nos. 75, 76, 77).
- 25 relating to period *before* First Prayer Book (Nos. 1 to 25).
- 4 relating to Marian period (Nos. 42, 43, 44, 45).
- 16 speak of *candlesticks* only (Nos. 34, 35, 36, 37, 38, 46, 47, 53, 57, 70, 84, 86, 87, 88, 102, 118).
- 12 speak of *candles* only (Nos. 27, 67, 68, 74, 130, 134, 135, 136, 137, 138, 140, 143).
- 2 have no vouchers, and relate to candles only (Nos. 38, 53).
- 14 expressly said to be "Unlighted" (Nos. 32, 52, 69, 79, 83, 85, 89, 99, 103, 106, 110, 114, 141, 144).
- 21 afford "no indication" (Nos. 58, 78, 81, 82, 90, 91, 92, 93, 97, 98, 108, 109, 113, 120, 121, 125, 131, 132, 133, 139, 142).
- 11 relate to Evening Service (Nos. 54, 55, 56, 71, 73, 76, 95 (?), 116, 119, 124, 128).
- 1 relates to Gospel lights (No. 80).
- 8 are duplicates (Nos. 60 and 66, 62 and 72, 76 and 100, 96 and 107).
- 5 separate entries relate to one thing (Nos. 73, 79, 94, 112, 123).
- 4 are statements posthumously attributed to "Cosin" (Nos. 48 A.D. 1559, 50 A.D. 1595, 62 A.D. 1625, and 72 A.D. 1640. For value of these see T. 81, 84).
- 4 are orders forbidding lights (Nos. 26, 30, 31, 33).
- 2 are R. C. violations of law (Nos. 28, 29).
- 5 are said to have "none" (Nos. 40, 41, 59, 115, 139).

Not more than Twenty can be even claimed as examples of LIGHTS at Holy Communion.

These are Nos. 39 (T. 102), 49 (T. 91), 51 (T. 92), 60 (T. 97 note), 61 (T. 96), 63 (T. 97), 64 (T. 37, 96), 65 (T. 98), 94 (T. 104), 95 (T. 106), 96 (T. 104), 101 (T. 104), 104 (T. 105), 105 (T. 103), 117 (T. 101), 122 (T. 106), 125 (T. 64), 126 (T. 65, 106), 127 (T. 102), 129 (T. 104).

## APPENDIX II.—EASTWARD POSITION.

(*Judgment*, ed. Macmillan, pp. 109-122=pp. 108-118, Law Report, P.D., 1891.)

NINETY-THREE cases are given, of which only Six shew any sort of use of the Western side of the table.

These are Nos. 58 (T. 65), 65 (T. 67), 68 (T. 67), 74 (T. 68), 81 (T. 102), 90 (T. 63).

## OF THE REST:

6 merely (alleged to) use the word "altar-wise," or "table-wise" (Nos. 1, 3, 6, 21, 22, 24).

3 merely use the word "north-side" (Nos. 12, 31, 41).

7 merely order "rails" (Nos. 7, 16, 17, 18, 19, 20, 25).

13 afford "no indication" (Nos. 5, 34, 37, 38, 51, 53, 60, 61, 62, 64, 73, 79, 83).

1 records a statement as "NOT PROVED" (No. 26).

2 are said to be "emblematic" pictures (Nos. 55, 78).

13 represent Litany said eastward (Nos. 30, 32, 33, 39, 40, 42, 43, 44, 46, 54, 67, 70, 84).

7 represent a Gospeller's book at western side (Nos. 45, 50, 63, 66, 76, 80, 88).

3 show "the" book open in midst, but *not* at Communion (Nos. 2, 59, 75).

1 shows a cushion in front (No. 35).

1 mentions Daily Prayer said eastward (No. 4).

2 speak of the Consecration Prayer being said eastward (Nos. 10, 86).

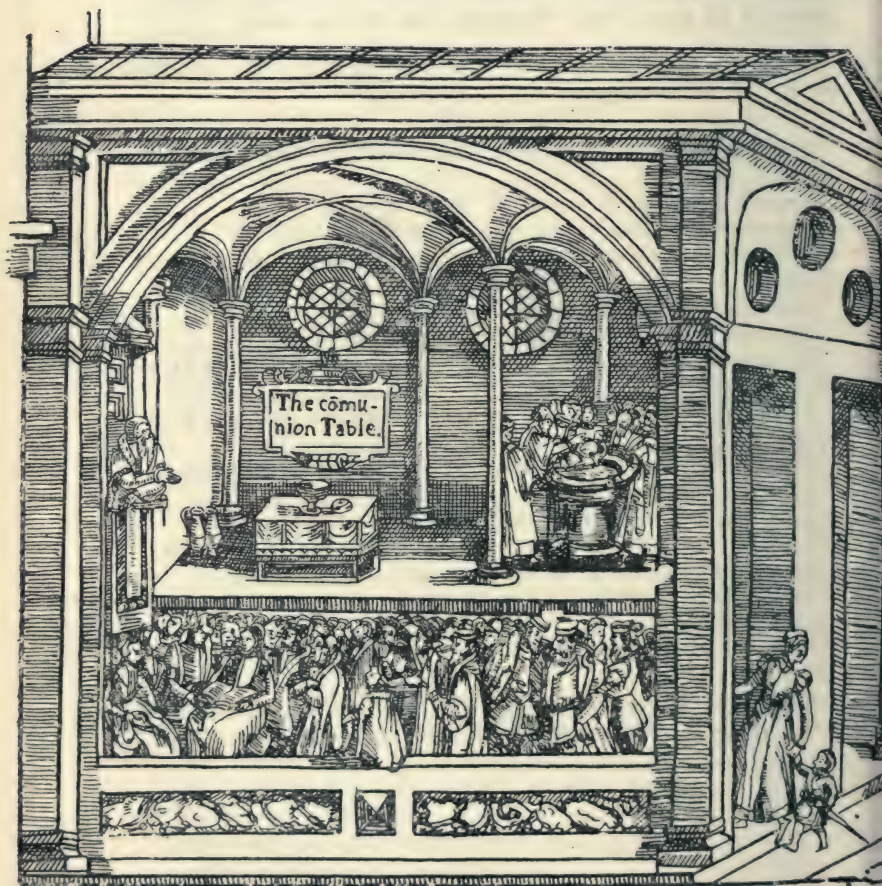
1 speaks of table in body of church (No. 28).

8 relate to tables ranged, on certain occasions, lengthwise (Nos. 11, 13, 15, 22, 44, 85, 92, 93).

8 are duplicates polled twice (Nos. 6 and 24, 27 and 57, 45 and 63, 66 and 76).

22 recognize the *end* as being the North "Side" (Nos. 8, 9, 14, 23, 27, 29, 36, 47, 48, 49, 52, 56, 57, 59, 69, 71, 72, 77, 82, 87, 89, 91.)





(See p. 110.)

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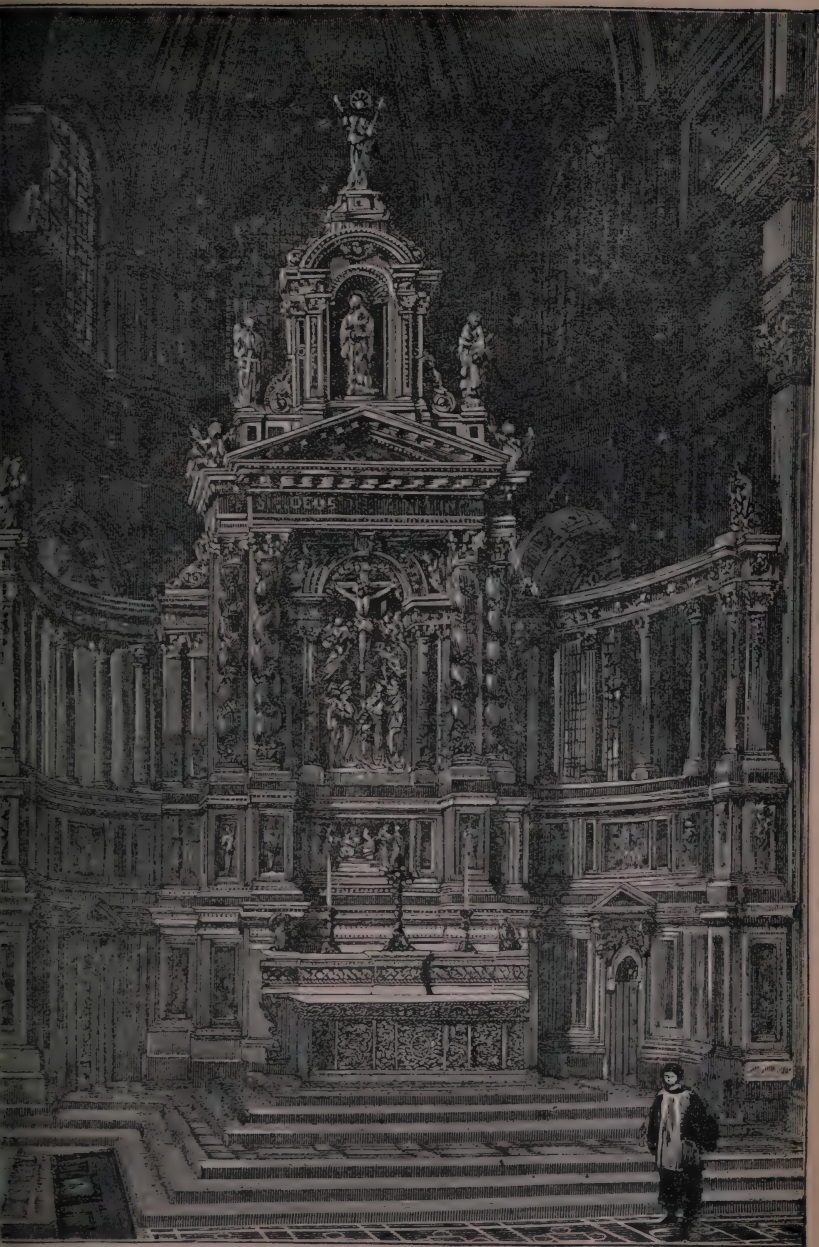
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In February, 1548, the "*second year of King Edward VI.*," Archbishop Cranmer wrote to the then Bishop of London—

"Considering, therefore, that almost in no places of this realm is any sure quietness, but where all images be wholly taken away and pulled down already, to the intent that all contention in every part of this realm for this matter may be clearly taken away, and that THE LIVELY IMAGES OF CHRIST SHOULD NOT CONTEND FOR THE DEAD IMAGES,"

Every image of every kind was to be "removed and taken away." The same order went to each of the Bishops.<sup>1</sup> Ridley, the first Protestant Bishop of London, not only

<sup>1</sup> Cardwell, Doc. Ann., No. ix.

abolished the high altar at St. Paul's, but carefully destroyed "all the goodly stone-work that stood behind the high altar."<sup>2</sup>

Under Queen Elizabeth, the second Prayer Book of Edward was restored and enforced by a Royal Visitation. The 2nd and 35th of the Royal Injunctions then issued forbade any "extolling" of images, or even their retention in private houses. And the destruction of ALL images in all "churches and chapels," formed the second of the Articles of Inquiry at this first Visitation held in 1559.<sup>3</sup>

These Articles and Injunctions were of even date with the printed Prayer Book of Elizabeth. When the so-called "Ornaments Rubric" was first published, viz., June 24th, 1559, it was promptly enforced (in the following August) by the Royal Visitors, who *publicly burned in St. Paul's Churchyard the "Rood"—i.e., crucifix—of St. Paul's*. The Royal Commissioners were Sir Richard Sackville (father to Thomas, Earl of Dorset), Robert Horn, Dean of Durham, afterwards Bishop of Winchester, one of the Elizabethan revisers of the Book of Common Prayer, and two lawyers. The Visitors further enjoined the then Dean and Chapter of St. Paul's, to take care that their Cathedral be "purged and freed from all and singular their images, idols, and altars," and "in the place of those altars to provide a decent table in the Church for the celebration of the Lord's Supper." "August 13th, Skory, new Bishop of Hereford, preached at St. Paul's, while the Visitation of that Church was in hand. Two days after, the rood there, with the altar, was pulled down."<sup>4</sup> They "pulled down the roods and images of Mary and John and other saints, the high altar and churchyard crosses, both at St. Paul's and other churches, burning or destroying them, with other monuments and books of

<sup>2</sup> Grey Friars' Chronicle, p. 75; Wriothlesly's Chronicle, p. 41; Stow, p. 551; Holinshed, iii.-1024.

Cardwell, Doc. Ann., No. xlv.

<sup>4</sup> Strype, Ann., i.-134.

superstition and idolatry, in accordance with the Queen's Injunctions then delivered by them to the clergy."<sup>5</sup>

This vigorous action was due to the faithful conduct of Archbishop Parker and his fellow-bishops, who afterwards sent to the Queen in writing "certain reasons which move us that we cannot with safe consciences give our assents, that the *images of Christ* . . . should be placed and erected in churches."

In this document (published in the "Parker Correspondence," p. 80) the Reformers point out that as a "memorial image" had been the occasion of idolatry, as described in the Book of Wisdom xiv.-15, "how much more then shall *an image made in memory of Christ, and set up in a place of religion, occasion the same offence?*" And they pertinently point to the warning furnished by the folly of Pope Gregory, who permitted images "but with all earnestness did forbid them to be worshipped," yet with the disastrous result that "since Gregory's time, the images standing, the West Church has been overflowed with idolatry *notwithstanding his doctrine.*"

Not in London only, but everywhere throughout the country were the roods and altar-crosses destroyed. Bishop Tunstall, of Durham, resisted the Royal Visitors because he could not consent "to the pulling down of altars and taking away crucifixes."<sup>6</sup> He was, therefore, deprived, though he wrote both to Cecil and to Sir T. Parry urging his scruples. So swift was the destruction that as early as November 4th, 1559, Peter Martyr writes from Zurich that the news had reached him of the removal of all the "altars and images."<sup>7</sup> "Frederick Count Palatine and Elector, Wolfgang Count Palatine of the Rhine, and Christopher Duke of Wirtemberg" wrote

<sup>5</sup> Lewis' "Reformation Settlement," p. 196.

<sup>6</sup> State Papers, Dom. Eliz., p. 137.

<sup>7</sup> "Altaria et imagines ablatae sunt." Z. L., ii.-19, App.



to Queen Elizabeth that they "are more especially concerned in what she is doing in the matters of religion; she having purified her realm from the worship of idols."<sup>8</sup> Jewel, one of the Royal Visitors, reported in February, 1560, that the crosses of silver and tin had been "everywhere broken in pieces."<sup>9</sup> A few weeks later we have Sandys (who, like Jewel, was a Royal Visitor, and one of the Elizabethan Revisers of the Prayer Book, subsequently Archbishop of York) writing, April 1st, 1560, to Peter Martyr, saying,

"We had not long since a controversy respecting images. The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advancement of the church, that the image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the church, where they might more readily be seen by all the people. Some of us thought far otherwise, and more especially as all images of every kind were at our last Visitation not only taken down, but also burnt, and that too by public authority; and because THE IGNORANT MULTITUDE ARE IN THE HABIT OF PAYING ADORATION TO THIS IDOL ABOVE ALL OTHERS."<sup>10</sup>

Like Jewel, Sandys was prepared to resign his bishopric rather than consent; but the faithfulness of these bishops was rewarded by complete success, and he was able to add "God delivered the Church of England from stumbling-blocks of this kind."

Bishop Cox, who had been tutor to Edward VI., wrote the Preface to the Book of Homilies, and has the distinction of having shared in all the successive revisions of the Prayer Book in 1548, 1550-1, and 1559, wrote on March 4th, 1560, to Cassander that "no crucifix is to be seen nowadays in any of our churches."<sup>11</sup> Sampson wrote also January 6th, 1560, "The altars indeed are removed, and images also

<sup>8</sup> State Papers, Foreign, Elizabeth, August 15th, 1559, p. 478.

<sup>9</sup> Zurich Letters, i.-68.

<sup>10</sup> Z. L., i.-74.

<sup>11</sup> Z. L., ii.-42.

throughout the kingdom; the crucifix and candles are retained at Court ALONE."<sup>12</sup>

Strype tells us, "it is certain these crucifixes and roods were taken down *by authority* in all the churches."<sup>13</sup> And this fact is absolutely decisive as to the meaning of the "Ornaments Rubric" *at the time of its first appearance*, being then interpreted judicially, and authoritatively by the Royal Commissioners, among whom were the revisers of the Prayer Book, and the heads of the Church.

"Expositio contemporanea optima."

Eight sets of Commissioners were sent through the length and breadth of England, and, among them, all the great officers in Church and State. "Whether we read the recorded acts of the Earls of Shrewsbury, Derby and Northumberland, Bishop Sandys and others in the North as far as Berwick; or those of the Earl of Pembroke, Lord St. John, Bishop Jewel, and others in the south to the Land's End; or those of the Marquis of Northampton, Earl of Bedford, Alex. Nowell and others, through the east of England; Sir Nicholas Bacon, the Duke of Norfolk, Bishop Horne, and others in London and Middlesex; we find their action was uniform throughout the kingdom." Sir Wm. Cecil (the Prime Minister, as we should say), Sir Thomas Smith (at whose house the Revisers of the Prayer Book met), and indeed the principal men of both Houses of Parliament, who had just passed the Act of Uniformity, were among the Commissioners.

Their official action in "taking order" in the name of the Queen is absolutely decisive as to the true interpretation of

<sup>12</sup> Z. L., i-63. That Elizabeth's apparent vacillation as to the crucifix in her private chapel was merely a piece of POLITICAL strategy is fully proved in the *Church Intelligencer*, Vol. III., p. 3.

<sup>13</sup> Annals, i.-176.

the law then newly enacted as to "Ornaments of the Church." Thus before Christmas, 1559, the crucifixes had been everywhere destroyed by the Royal Visitors : but as some danger of relapse into idolatry was apprehended from the "loft" or gallery on which the images had stood being allowed to remain, "Further Order" was taken by the "Commissioners under the Great Seal for causes Ecclesiastical," on October 10th, 1561. This was done under the 26th section of the Act of Uniformity (I. Eliz., c. 2), which ought now to be printed in all our Prayer Books as required by law. This Order

"Decreed and ordained that the rood-lofts, as yet being at this day aforesaid untransposed, shall be so *altered* that the upper part of the same with the sollar [gallery] be *quite taken down*, unto the upper part of the vautes [arches] and beam running in length over the said vautes, by putting some convenient crest upon the said beam towards the church."<sup>14</sup>

The Second Book of Homilies, sanctioned by Convocation in 1562, was published August 1st, 1563. That on "Peril of Idolatry," written by Bishop Jewel, the official 'Apologist of the Church of England, condemned the crucifix by name, as a "lying image" and contrary to God's Word.

The first three bishops of London under Elizabeth were Grindal, Sandys, and Aylmer, and each of these gave the following direction in his Visitation Inquiries.

"Whether in your churches and chapels *ALL* altars be utterly taken down and clean removed even unto the foundation, and the place where they stood paved, and the wall where unto they joined whited over and made uniform with the rest, so that no breach or rupture appear? And whether your roodlofts be taken down and altered so that the upper parts thereof with the sollar or loft be quite taken down unto the cross beam, and that the said beam have some convenient crest put upon the same?"<sup>15</sup>

<sup>14</sup> Robertson's Heylin, ii.-361; Haweis' Sketches of the Reformation, 120; Gorham's Ref. Gleanings, 476.

<sup>15</sup> Rit. Rep. App. pp. 403, 417, 407, 418, 423, 427, 474, 494, 558, 576, 579, 589, 601, 625.



There has been no change in the law since this Order was issued, so that the Dean and Chapter of St. Paul's in restoring without authority the graven images which had so long served as idols are violating the law both of this Church and Realm.

\* \* \*

But it may be said, though illegal, such imagery is surely not "idoltrous," because idolatry means the worship of some statue *instead* of God. But this is a grave error. The First Commandment, indeed, forbids the worship of false gods, whether in combination with or instead of the true God.

But the Second Commandment forbids the worship of the TRUE God, *through unauthorized sensuous media*. And this latter sin is much more subtle than the former. Indeed, as the 78th Psalm shows, idolatry has its roots very deep in human nature. Idolatry is one of those "works of the flesh" (Gal. v.-20) which our Lord described as springing out of the "heart"—*i.e.*, out of that lower emotional sensuous nature (*psychè*), upon which "Art" works. The craving of psychical ("natural") man for some visible medium through which he may approach the Unseen is the secret of the fascination which idolatry exercised over the Jews. So long as the "mediator" Moses went in and out among them they got on tolerably well: but when he disappeared, and remained absent week after week, in the Mount, they cried out, "as for this Moses, we wot not what has become of him; and they made a calf in those days" (Acts vii.-40), to "go before them." But they never imagined, they *could* not, that this image, made by themselves out of their own ear-rings, had, *long before it was made*, "brought them up out of the land of Egypt." When, therefore, Aaron proclaimed "a feast unto Jehovah," he still regarded himself as the Priest of Jehovah, worshipping Him

still under a "similitude" such as they had been used to see in Egypt. The "calves" at Dan and Bethel *each* of them claimed (not of course to be, but) to *represent for the purpose of worship* the *same* Jehovah who was worshipped at Jerusalem. (1 Kings xii.-28.) This explains why Jehu and other Kings who suppressed the worship of the false-god Baal, did not meddle with the false worship in the "High Places." The origin of heathen idolatry was precisely the same; "When they *knew* God—they changed their glory into an image" or supposed image of Him. (Rom. i.-21, 23.)

So then faith is "the evidence of things *not* seen" (Heb. xi.-1); but "all men have not faith," and therefore cannot "endure as seeing Him that is invisible" (Heb. xi.-27); and their fleshy hearts cry out "as for this Christ who is gone up into the Heavens we wot not what is become of Him"—so they make them a Crucifix.

Our God is "jealous," *i.e.*, He will not consent to *share* His "homage" with any "robes" in which His worshippers choose to deck Him. "God is a Spirit, and they that worship Him must worship Him in (that part of their nature which resembles His, viz., in) spirit, and in truth," not in shadows or fancied images. It is only by being conformed in spirit to His Spirit that we come to "see" Him (Matt. v.-8; 1 John iii.-2, 3): the "elevation of the Host" will not serve, nor will even a fictitious and purely imaginary representation of the dead body of the Redeemer. The artist "represents," *not* Christ, but his own conception of Christ, which is quite a different matter, and is dependent on his own individual character and attainments at a given moment. This transient conception, once stereotyped, *hinders* the future growth of his own and other men's souls for ever. A man needs to "shut his eyes that he may see God."

Even the heathen did not fancy that *each* of their many

images of Jupiter was Jupiter himself. But only that He was "really present under the form of" this or that image. Julian the Apostate said, "We do not think them to be gods, but that through them we may worship the Deity; for we being in the body ought to perform our service in a way agreeable to it." A plea which "after the Incarnation," Origen rejected when he said "common sense forbids the supposition that God is honoured when made to assume a form embodied in dead matter, fashioned according to some image or symbol of his appearance."<sup>16</sup>

It is a striking fact mentioned by Bishop Christopher Wordsworth, in his "Tour in Italy"<sup>17</sup> that "no Christian representation of our Lord as crucified is extant of an earlier date than the sixth century:" the earliest being in fact a caricature by a heathen of his Christian fellow-workman who is represented as worshipping a man on a cross with the head of an ass, scratched on the plaster of the walls of the kitchen of Cæsar's palace. Mr. Sedding told the Portsmouth Church Congress that

"Jesus Christ became man that we might *read God in His face*, His words, and acts. He took flesh that we might *look into his face* and *read His character*."

Whereas the inspired biographers of our Lord were careful to *conceal every hint of His physical peculiarities*, doubtless for the same reason that the cherubim of the temple were concealed from every eye, in a room not only pitch dark, but in which on his entry once a year, even the high-priest was compelled "lest he die" to add an artificial "cloud of incense."

"Clouds and darkness are round about HIM, righteousness and truth" [not Art and Beauty] are the basis of His throne.

<sup>16</sup> *Contra Celsum*, "iii.-40.

<sup>17</sup> Vol. II., p. 209.



The flesh profiteth nothing, "wherefore . . . henceforth though we have known Christ after the flesh, yet now we know Him *so* no more." (2 Cor. v.-16, R. V.)

\* \* \*

The human "spirit" (including the reason and conscience), is revealed to us both by our own consciousness, and by the Bible, as that part of our nature in the possession of which we resemble God as an Intelligent and Moral Being, and which rightfully ought to co-ordinate, rule, and restrain, not only our bodily indulgences, but our emotions and fancy also. "They that worship God must worship Him in spirit (pneuma): because God also is a Spirit (Pneuma)." That is, Christ's own law of acceptable worship. (St. John iv.-23, 24.)

This does not, of course, exclude the body and "soul" (psychè, St. Luke x.-27.) But it does make their part in worship wholly subordinate to, and dependent upon their being linked to and dominated by the "spirit." An Art-lover in an enthusiasm of inarticulate rapture produced by fiddlesticks, or by images of his Deity "in high relief," is, in scriptural language, a "natural" (psychical) man—*i.e.*, a man *dominated* by his "psychè," or inferior emotional nature: and it is nowhere revealed that "the Father seeketh *such* to worship." Rather, the "very pleasant song of him that singeth" is, in such case, as the crackling of thorns under a pot. Wicklif's rendering of 1 Cor. xv.-44, "a beastly body," conveyed the perfectly correct idea that the "natural" body of our Authorized Version is an animal body, or body controlled by the *anima*, or "soul," in contradistinction to the future "spiritual" body—*i.e.*, a body which will be (as Christ's ever was) *controlled utterly* by the "spirit"; even as the spirit in its turn is "cleansed by the inspiration of the Holy Spirit" the "Lord, the Giver-of-life."

Art, therefore (which has to do only with the emotional

and sensuous "soul"—*psyschè*), cannot for a moment be put on the same level with intellectual truth, or with moral righteousness: its relation to these is that of a slave, not of a sister. Her highest dignity is to serve: and when she aims at equality, or dominion she must expect to receive the stern treatment due to a rebel and a traitor.

We are in much danger of substituting the holiness (?) of Beauty for "the beauty of Holiness."

At the Portsmouth Church Congress, the Rev. A. J. Robinson, of Whitechapel, said he sometimes went in disguise among working men. At their East End Art Exhibition, one said to him once, "I do not think looking at pictures or pottery ever induced any man to leave off blacking his wife's eyes." He did not believe Art ever reached men's consciences and changed their lives. Images in the Church had led to image worship. Would they not do so again? And the Dean of Wells pointed out that "excellence in Art had not coincided with intensity of faith. Pictures provoked criticism. Thus the supreme excellence in sculpture of Phidias and his contemporaries belonged to the sceptical age of Pericles; and Raffaele lived in the Renaissance [the Pagan revival]. The risk of Art, and especially of sculpture, was that it raised a spirit of criticism, and he was disposed to think that the spirit of criticism was dangerous to the spirit of devotion. Again, passive impressions, if repeated, were apt, as Bishop Butler said, to grow weaker. If, then, the crucifix were made a permanent element of decoration, it would be found to produce little effect upon the crowds who looked at it. If it could speak, its words would surely be, "Is it nothing to you, all ye that pass by?" At Baden there used to be a crucifix within fifty yards of the great gambling saloon. If that could have spoken it would have said, "All the day long have I stretched forth Mine Hands to a disobedient and gainsaying people."

Idolatrous worship is ordered to be paid to the crucifix by the present Pontiff, as is proved by Dr. Littledale in his "Plain Reasons," chapter 15, published by the S. P. C. K. Such idolatry is notoriously practised by the millions who believe the Pope to be infallible. It must be to promote "re-union" with the idolatrous Church of Rome, that the Dean and Chapter of St. Paul's have set up their idols in the House of God entrusted to their charge. By so doing they are violating alike the laws of God and man, and setting a scandalous example to all English-speaking churches. The question therefore presses—

*What right have the Dean and Chapter of St. Paul's to defile our National Sanctuaries in this lawless fashion?*



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Settlement

As embodied in

The Act of

Uniformity of 1559

(1 Eliz. c. 2.) ?

By

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# Were Mass Vestments

worn under the . . .

# Reformation Settlement

as embodied in the .

## Act of Uniformity of 1559

(1 Eliz. c. 2.) ?



T first sight this question might be thought to be of merely antiquarian interest, because we are now living under a later act than that of 1559, and therefore need not trouble ourselves with

bygone arrangements which may have since been superseded. But such a view would be an entirely mistaken one. For the Act of Elizabeth has been the standard of ritual from 1559 to the present day. So far from being repealed, the preface to our present prayer book testifies that it "was never yet repealed"; indeed, on the contrary, this act was definitely incorporated by the Joint-Convocations in 1661, so as to form part of the existing prayer book, and was numbered by them as No. 1 in its Table of "the contents of this book." In all the ritual suits relating to vestments it has been held that this Act of Elizabeth is the determining rule to which both the so-called "ornaments rubrics" of 1559 and 1662 were, and are now, subordinate.

No doubt the 25th section of Elizabeth's Act required the ornaments of 1549 (*i.e.*, of the First Prayer book of

Edward) to be "in use"—which has been supposed to mean in *ritual* employment, by the clergy, and in Divine service. But if that were the meaning of the 25th section, it would cover not only the "ornaments of the minister" but also the "ornaments of the church." It would forbid the clergy ever to wear a surplice at Holy Communion. It would compel the celebrant to wear a "distinctive dress" different from that of the Epistoler and Gospeller who were to be clad in "albs with tunicles." It would both authorise and require to "be in [ritual] use," the Chrismatory for anointing both the sick and the newly baptized, also the vessels for carrying the reserved and unleavened wafer and the wine and water to the sick, the 'corporas' upon which the wafers were consecrated, the fixed stone High altar which had been associated with sacrificial theories through the dark ages, and the water cruet for the ritual mixture prescribed by the rubrics of 1549. Other ornaments such as the Chrisom robe of the baptized infants may possibly come under the category of "ornaments of the Minister," seeing that they are to be employed by him ritually with specified forms of prayer during the service itself. And all these, completely at variance though they are with the "Second prayer book of Edward" which was re-enacted in 1559, were "restored" (if ritual restoration were then effected) in precisely the same sense that the alb and chasuble were so. More than this, every bishop must "use" his pastoral staff, and be clothed at *every service* of every kind with either the sacrificial 'Vestment' (*i.e.* chasuble), or the non-sacrificial but gaudy and hampering cope. But not one of these things was ever done!

If we restrict ourselves to *contemporary* evidence of the actual practice of the Church during the years 1559-66, excluding altogether mere opinions or unsupported asser-



tions of later writers, it can be demonstrated that no such "restoration" took place at that time. The only apparent exception is the fact that the extreme puritans (who refused to wear the surplice required by Edward's Second prayer book, and who sought to introduce a presbyterian discipline, and refused to subscribe either to the Prayer Book or the Articles as a whole) taunted the bishops with disobeying the ornaments rubric *as printed* in the prayer books issued by the Queen. Yet these same men also testify that the bishops and the conforming clergy did not *in fact* wear the alb, chasuble and stole but "rejected" them. More than that, they pointed out that the *printed* rubrics inserted into the published copies of the prayer book which were issued in 1559, were contrary to the Act of 5 and 6 Ed., which was revived by Elizabeth's act "only concerning the said book." And, so far, the "Puritans" were legally right. The repeal of Mary's repealing act (1 Mar. st. 2. cap. 2) by the 1 Eliz. c. 2. s. 1, had the effect in law of reviving the act which had been repealed by it (viz., the 5 and 6 Ed. VI. c. 1.)\* Moreover, Elizabeth's Act of Uniformity explicitly enacted—not any of the *printed* books which were afterwards issued—but the "book which remained at the death of Edward," i.e., the Second prayer book of 1552, including of course its ornaments rubric. The only departures permitted from the book of 1552 were specially indicated as made "*in that book*" of Edward, and did not include its Ornaments rubric which directed:—"And here is to be noted that the Minister at the time of the Communion, and at all other times in his ministration, shall use neither alb, vestment, nor cope: but being archbishop or bishop, he shall have and wear a rochet: and being a priest or deacon, he shall have and wear a surplice only." This rubric of 1552

\* See 52 & 53 Victoria, c. 63.

was therefore re-enacted, under penalties, by Elizabeth's act, sections 3 and 4. And those who examine the act will see that the enacting portion was complete in itself *before* the provisos at the end (secs. 25 and 26) were subsequently added. No penalty was attached to the 25th section which did not relate to the clergy, nor to "times of ministration," nor to *ritual* employment of any kind. There was, therefore, nothing inconsistent or incompatible between the rubric of 1552 and the 25th section of the Act. The safe custody and utilization of the superfluous and discarded ornaments of 1549 was the sole purport of that 25th section and was rendered necessary by the rubrical direction above noted that the clergy in "times of ministration" were to "have and wear a surplice only." For though the clergy might no longer "have" such goods, the churchwardens were held accountable for them to the Royal visitors who were about to "take order" for the disposal of the (now illegal) alb, chasuble or cope.

Unhappily, for reasons of State which can now only be guessed at, the Queen struck out the two rubrics enacted in Parliament and substituted two others which undoubtedly did profess to "restore" not only the alb, vestment or cope, but *all the other* ornaments above described as "in use" under the prayer book of 1549. The second of these "fraud-rubrics," as they have been called, substituted the priest's stall, with its back to the people, used in Marian times as the "accustomed place," to the rejection of the plain direction of the *statutory* rubric which required the Priest to "so turn him, as the people may best hear." *But neither of these substituted directions had any validity in law* : on the contrary, as we shall shew, the ritual usages of 1549 were uniformly treated as illegal by all the authorities from the very first.

The Queen could not set aside what Parliament had enacted with her consent, unless and until she had previously obtained the "advice" to that effect of either the Archbishop of Canterbury, or of the Royal Commissioners "for causes ecclesiastical." But there was no archbishop living at the time when the book was being printed, and there were no Commissioners "for causes ecclesiastical" until the midsummer following. On this point the Judgments of the Privy Council are worth remembering. In the Purchas Case, the Judges said:—

"The rubric had directed the minister to 'use at the time of the Communion, and at all other times of his ministration' the ornaments in question. The statute of Elizabeth DID NOT DIRECT SUCH USE, NOR REFER TO ANY SPÉCIAL TIMES OF MINISTRATION, but it ordered simply the retaining of the ornaments till further order made by the Queen" (Brooke's *Six Privy Council Judgments*, p. 174: L.R., 3 P.C., p. 642: Bullock's Report, p. 16).

But where the Act and the rubric are in conflict we are bound by the Act and not by the rubric. In the Ridsdale Judgment, their Lordships said:—

"The authorities whose duty it was to issue to the people, in 1559, a printed book of Common Prayer, made conformable to the Statute, prefixed to the book so issued by them a copy, *in extenso*, of the Statute of Elizabeth itself; and they also of *their own authority*, not by way of enactment or order, but by way of a memorandum or reference to the Statute, SUBSTITUTED [!] a new admonitory note or Rubric for the note immediately preceding the order of Morning Prayer in the Second Book of King Edward.

"That note or Rubric, as is pointed out by Bishop Gibson, *was not inserted by any authority of Parliament*. It was meant to be a compendious and convenient summary of the enactment [?] on this subject. If it was an accurate summary, it was merely a repetition of the Act. IF IT WAS INACCURATE OR IMPERFECT, THE ACT, AND NOT THE NOTE, WOULD BE THE GOVERNING RULE.



"It is of importance to bear in mind that the Ornaments Rubric, which it is now contended contains the whole enactment or law relating to the vesture of the clergy, *was not*, when originally introduced in 1559, *and was not meant to be, an enactment at all*: and it ended with a reference to the Statute 1 Eliz., cap. 2, set out in the beginning of the Prayer Book, in terms which showed that the Rubric *claimed no intrinsic authority for itself*."

And as regards our present prayer book, they added :

"On the one hand, the Statute 1 Elizabeth, cap. 2, is reprinted at the beginning of the book as *an unrepealed and effective law*, and, indeed, is transcribed in the Manuscript Book approved and signed by the two Convocations ; and, on the other hand, the Ornaments Rubric of 1662 occupies the same place, and *prima facie* retains the same general office and character which it had in the former book, in which (as has been already said) it was a note of reference to an *external* law, namely, that contained in the 25th section of the Statute, still printed at the beginning of the book. Their Lordships cannot look upon this Rubric as being otherwise than what it was before, a memorandum or note of reference to that law." (46 L.J., P.C. 46, 53.)

It is clear, therefore, that we are bound to ascertain, if possible, what "the practice of the church" actually was during those important years when the Reformation Settlement was being effected, and when the Act which still regulates these matters was being officially interpreted by its own authors. Let us, for the sake of argument, suppose that the mass vestments had been "restored" by law. In that case, we should expect to find evidence of such ritual "use" being customary everywhere, for many of the beneficed clergymen were Marian priests, and both these men and the nonconformist incumbents could have appealed from the Ecclesiastical courts to the Queen's Bench which would readily have granted a prohibition against the action of the ecclesiastical judges and the ordinaries by whom they were being deprived. The judges and magistrates largely belonged to "the old religion" and the Act of Uniformity we know was then put in force not only in the bishops'

courts, but also at the assizes. It is a high church tradition that Elizabeth herself hankered after the ritual of 1549, and got Cecil to urge the legitimisation of the cope upon the revisers of the prayer book, a suggestion which (if it were ever made) Geste at least promptly rejected. Certainly a large portion of the nation was indifferent, or actually sympathised with the older régime in the matter of ornamentation; and under such conditions can it be too much to ask that ritualists should produce some *one* instance, in some *one* church, in which the ritual of 1549 was consistently adopted? No clear instance has ever yet been brought forward. We propose now to examine year by year the contemporary evidence of actual usage during those six years, and for convenience of reference to number the vouchers.

### A.D. 1559.

**No. 1.—EASTER DAY** (March 26th). A great struggle between the Romanists and the Protestants over the Government Bill for Uniformity had resulted in defeating, for a time, the plans of the Reformers. The story is told in the *Church Intelligencer*, XX-134: "New Light upon Elizabeth's Act of Uniformity." Elizabeth and Cecil both threw their whole energies into the struggle. In order to influence the House of Lords, a public debate was held in Westminster Abbey during Easter week, and the Queen, disregarding the Marian usages, resumed in her own chapel not only the distribution of the wine to lay communicants, but the ritual and entire Communion office of Edward's *Second* Prayer book. This was, and was meant to be a plain indication of her wishes in regard to the coming service book. The Venetian State Papers (VII-57) tell how:

"On Easter Day her Majesty appeared in chapel, where Mass was

sung in English according to the use of her brother, King Edward, and the communion was received in both kinds, kneeling. . . . Nor did he wear anything but the mere surplice, having divested himself of the vestments in which he had sung Mass."

On this Dr. Gee remarks, "it will be observed that the priest is not said to have sung mass in vestments" on this occasion; and "the words may mean, 'having laid aside on this occasion the vestments which had hitherto been in use.'" (*Elizabethan Prayer Book*, p. 96). It is clear that the service used could not have been the *Order of Holy Communion* of 1548, for, in that, the "mass" was in Latin and not "in English." It could not have been the Prayer-book office of 1549, for that did not permit the celebrant to wear a "surplice only," or a surplice at all, at Holy Communion. Beyond doubt, therefore, the office used was that of 1552; and was probably intended to show both to Parliament and the country what was aimed at by the Government, the service being held just four days before the celebrated Disputation in Westminster Abbey. For in the Government Bill introduced during the following month this very same communion office of 1552 was made compulsory.

The Bill was read for the last time on April 28th, 1559, and two days later we have a private letter addressed by Sandys (afterwards Archbishop of York), to his friend Parker (afterwards Abp. of Canterbury), in which he said :

#### No. 2.—

"The Parliament draweth towards an end. The last book of service is gone through with a proviso to retain the ornaments which were used in the first and second year of King Edward, until it please the Queen to take other order for them. Our gloss upon this text is that we' [clergy] 'shall not be forced to use them, but that others' [churchwardens, &c.] 'in the meantime shall not convey them away,



but that they may remain for the Queen."—*Abp. Parker's Correspondence*, p. 65.

Sandys was then in touch with Cecil, the Prime Minister, and was shortly after made one of the Royal Visitors to enforce the new Act. It is probable that when he wrote he had not seen the Bill, as he was certainly mistaken in saying that it referred to the "first year" of Edward VI. when all the Latin services and ritual were in full play, and the Six Articles' Act was still in force. The Act, indeed, was not published till after May 30th; but Sandys would learn from the statesmen who had promoted the Bill what its policy was. Those who desired to "convey away" the discarded ornaments were of two classes: The Romanists who desired to preserve their consecrated vestments from desecration, like Laurence Vaux, the Warden of Manchester, who fled with them to Ireland, together with the office-books and plate; or else the churchwardens (or parishioners) who, taught by past experience, endeavoured to smuggle the goods which otherwise would be lost to the parish, and become forfeit to the Crown, as had happened under Edward VI. when the same prayer book was being introduced. The object of the proviso, Sandys tells us, was to ensure the ornaments "remaining for the Queen." Not that Elizabeth desired to see them adopted by her chaplains, for, in fact, the alb, Chasuble and stole were never worn even in the fancy services in which from time to time, for reasons of statecraft, she indulged. But both under her father and brother goods of this kind had been appropriated by the Royal Visitors, who "took order," by confiscating "to the King's use" such ornaments as were no longer needed for the reformed services. The word, "gloss," used by Sandys, was a natural term for a clergyman to employ in a private letter to a brother

clerk, because it had long been the title of commentaries in use by the students of scripture; the "*Glossa ordinaria*" being perhaps the best known of these. The value of Sandys' testimony lies in the fact that he was behind the scenes at the inauguration of the new régime, and as Mr. James Parker admits (*Letter to Selborne*, p. 101) "Sandys' gloss turned out to be true"—though not in the depraved sense which Mr. Parker seeks to fasten upon his words.

**No. 3.**—On June 24th a "Commission under the great seal for causes ecclesiastical" was issued in fulfilment of the intention avowed in Section 25 of the Act of Uniformity, viz., that the Crown would "take other order" in respect of the ornaments retained by the churchwardens for judicial assignment by the Commissioners. "Annexed" to their Commission were the Royal Injunctions issued by Elizabeth, and to which the Commissioners became parties by their compelling the clergy to subscribe not only to the restored second prayer book of Edward, but also the Injunctions themselves, the 30th of which required the clergy to wear "both *in the church* and without" . . . "such seemly habits, garments, and such square caps, as were most commonly and orderly received in the *latter* year of the reign of King Edward VI.," i.e., 1553, when the rubric of 1532 was the sole and exclusive standard.

**No. 4.**—But by far the most important and authoritative commentary on the meaning of the Act was the "order" actually "taken" by the Queen's Commissioners. This concerted Visitation by the Crown is fully described in "*Queen Elizabeth and the Royal Visitations of 1549-1559*," which can be had from our office, 14, Buckingham Street, post free 6½d. The Visitors were the most eminent divines and leading statesmen who visited in the Queen's name every diocese, and defaced or destroyed,

or confiscated, or else gave verbal directions for the conversion of Albs into Surplices, and Copes into Carpets for the Table, thus bringing into conformity with the Second Prayer Book the "ornaments of the church and of the ministers thereof" which the "fraud rubric" of Elizabeth had directed to be *ritually* worn in service time, viz., the "alb, chasuble and cope." So far from being in legal use by the officiating clergy, from 1559 to 1566, the evidence adduced shows that such a view is at variance with the known facts. We may mention, however, one or two facts omitted from the pamphlet. On August 12th, Grindal (Bishop-elect of London) and May (Dean-elect of St. Paul's) "and other of the Commissioners" ordered the prebendaries and petty canons of St. Paul's to "use only a surplice in the service time" (*Wriothesley's Chronicle*, 11-146); and some months later, in October, 1559, the Spanish Ambassador commenting on the then novel introduction of copes at the chapel Royal, said "the fact is that the crucifixes and vestments that *were burnt a month ago publicly* are now set up again in the Royal Chapel."\* This corroborates the previous statement of the Ambassador that the Royal visitors had removed such things "from St. Paul's and all the other London Churches" in August, 1559 (*S.P. Spanish*, 1-89, 105).

### A.D. 1560.

**No. 5.**—To this year belong the Interrogatories administered by "some ordinary at his visitation" of which the 3rd addressed to the churchwardens was "Whether any images, books of services, or *vestments not allowed by law* be reserved of any man, or in any place, or no?"

\* For the political origin of these later changes peculiar to the Royal Chapel, see "Q. Elizabeth's Crucifix: its Secret History and Real Meaning." *Id.*



(Strype's *Annals*, I. i.-245, and ii.-497). What "law" forbade the use of such vestments, save the rubric of 1552, then in statutory force, though unprinted in its proper place in the prayer book? During this year was published the *Catechism* by Becon (Archbishop Cranmer's chaplain) in which, in reply to the question: "What thinkest thou of the surplice which is now commonly used in the most part of the Reformed churches? Is it lawful to wear a surplice or not?" The "*Son*" is taught to reply: "In things indifferent we may use our liberty, which we have gotten by Christ. Therefore, if a magistrate, being godly, command that the minister in the time of his administration wears a surplice, not for the maintenance of superstition, but for a seemly and decent order, his commandment is to be obeyed." (Becon's Works, 11-300.) The allusion here seems to be to the concluding words of the 30th Injunction.†

### A.D. 1561.

**No. 6.**—On May 2nd, the following entry in the Churchwarden's accounts of St. Christopher le Stocks, London, shows the result of the Royal Visitation upon the "retained" ornaments.

"Item, a vestment with two tunicolls of cloth of golde, pte broken and ripte.

"Item, a vestment of satten of Brudges, broken in pieces.

"Item, a cope of blew velvet and flowers of gold."

These were the sole relicts of the 1549 robes.

**No. 7.**—May.—Bishop Parkhurst in his Visitation articles for Norwich diocese, asks: "Whether that any images, beades, bokes of service or *vestments not allowed by law* be reserved of any man or in any place, by whom, and

† "Not thereby meaning to attribute any holiness or special worthiness to the said garments, but as St. Paul writeth." 1 Cor. xiv.-40.

where they be reserved " (*Second Report of Ritual Commission*, p. 402).

**No. 8.**—In September, Archbishop Parker visited his cathedral; and his articles, printed in Strype's *Life of Parker*, 1-146, were intended for all the cathedral and collegiate churches within his Province. He asks:—

III.—*Item*: .Whether your Divine service be used, and the sacraments ministered in manner and form prescribed by the Queen's Majesty's Injunctions, and none other way.

This shows, that the Injunctions did extend to the services in church, and included the "ornaments of the minister" which belong to the "manner and form" prescribed. But these Injunctions recognized *only* the ornaments of the "*latter* year of Edward VI."

### A.D. 1562.

**No. 9.**—February 7.—Bishop Jewel wrote to Peter Martyr:—

"Now that the full light of the Gospel has shone forth, the very vestiges of error must, as far as possible, be removed together with the rubbish and, as the saying is, with the very dust. And I wish we could effect that in respect to that linen surplice" (*Zurich Letters*, i.-100). Jewel borrows a word from Plutarch meaning "linen-dressiness," to express the grievance then complained of by the advanced Protestants. Later on, he again recurs to the controversy, in writing to Bullinger—"the contest respecting the linen surplice (*ecclesiastica veste linea*) is not yet at rest." Jewel himself wished to abolish the surplice, "But the Queen at this time is unable to endure the least alteration" (p. 149). The date of that letter is February 8th, 1566, which is of interest as bearing on the question whether the Advertisements of 1566 were designed to *change* the vestiarian law.

**No. 10.**—Alley, Bishop of Exeter, drew up a paper

apparently intended for presentation to the Privy Council, respecting disorders in the church requiring remedy. He says "I know one preacher, not of the basest sort or estimation, which did glory and boast that he made eight sermons in London against surplices, rotchets, tippets and cappes, counting them not to be perfect that wear them." (Petyt MSS. Vol. xlvii. p. 448.) Now, it is obvious that neither Jewel, nor this "preacher" would have complained of surplices, yet keep silence as to mass vestments had they been in use, especially if, as has been alleged, they were actually *required* by law.

### A.D. 1563.

**No. 11.**—In July, the Second Book of Homilies (which was ready in January) was allowed to appear. The Homily "On Peril of Idolatry," Third Part, "teacheth the sumptuousness amongst the Jews to be a figure to signify, *not an example to follow*," adding "Rabanus at large declareth that this costly and manifold furniture of vestments *of late used* in the church was fetched from the Jewish usage and agreeth with Aaron's apparelling almost altogether"—whereas it is urged "the vestures used in the church in old time were very plain and single and nothing costly."

**No. 12.**—August 16th.—Humphrey, the president of Magdalen College, wrote to Bullinger "*de re vestiaria*," asking "Whether at the command of the Sovereign (the jurisdiction of the Pope having been abolished) and for the sake of order, and not of worship [*? Cultus*] habits of this kind may be worn in church by pious men, lawfully and with a safe conscience. I am speaking of that round [*sic*] cap and popish surplice, which are now enjoined us" (Z.L. 1-134).

**No. 13.**—Archbishop Parker, in his Visitation articles of this year, asked: "Whether your altars be taken



down," and "ministers do use in the time of the celebration of divine service to wear a surplice" (Second Report Ritual Commission, p. 403). No bishop ever asked for "alb, chasuble or cope" as things required by law during all this period.

### A.D. 1564.

**No. 14.**—January 2nd.—The following entry in the Church books of St. Mary Ouerie, Southwark, records that "Mr. Kettle, the minister of the Church, refusing to conform to the order of the church service by wearing a surplice at the administration of the Sacrament has warning given to him to quit the service of the parish." The same book under date September 18th, 1559, mentions an "order for the sale of certain Popish ornaments towards defraying the expense of repairing the church," and includes among them vestments, altar cloths, &c. (Taylor's *Annals of St. Mary Oувery*, p. 126-7.)

**No. 15.**—"The Council charged the Archbishops and bishops to quiet this unquiet-stirrings of parochial ministers. We, in London, the ministers, were called by the Bishop and archdeacons to St. Sepulchre's in February, and so requested to take on them the round (*sic*) cap with a deep neck, the form of a turkey gown with the falling cape, to wear in the church ministry the surplice only." (Earl's Diary, f. 2.b. Cambridge University Library MS., Mm. 1, 29.)

**No. 16.**—"But the 24th of March all this was altered now—

1. The schollers gown and capp.
2. The surplice at all services.
3. Keep the book of common prayers as is appointed by the Statute and rubricks therein appointed; and so subscribe, or else a present sequestration, after iij months, deprivation to follow ipso facto, and it was so." (Ibid. f. 3a.)

**No. 17.**—Earl also places in this year “At Lambeth by the Archbishop, the Bishop of London [Grindal] and Commissioners’ Court there holden and then. The speech of the Chancellor was thus: ‘My masters and ministers of London, the Council’s pleasure is that strictly ye keep the unity of apparel like to this man here, Mr. Robert Cole, as ye see him. A square cap four-cornered, a scholar’s gown priestly, a tippet and in the church the linen surplice, and strictly keep the rubric of the book of our Common prayers of England and the Queen’s Majesty, her Injunctions as the Book of Convocation.’ (*Ibid.*)

**No. 18.**—December.—Archbishop Parker put this question to Sampson and Humphrey: “Whether the Ordinary, detesting of papistry, may enjoin the surplice to be worn, or may enforce the Injunction already made; and whether the minister ought to obey or no?” (Strype’s Parker, I. 330.)

**No. 19.**—During this year Rastell published at Antwerp his “Confutation” of Jewel’s Sermon, in which he asked (p. 146) “Then to come to the Apostles—where did you ever read that in their external behaviour they did wear frocks or gowns, or four cornered caps or rochets? . . . or that they sat in sides, or looked towards the South?”

## A.D. 1565.

**No. 20.**—Guzman de Silva, writing to Philip of Spain about the Earl of Leicester, January 2nd, reports “The Queen having ordered the image to be placed in her chapel he had it removed, and next, when the men they call ministers and ecclesiastics here were ordered to wear a proper dress in accordance with the ancient custom of the country, and to put on a surplice during the service, the ministers complained to him, saying they wished to make papists of them, and by his help the order has been

dropped" (*Spanish State Papers*, I., 401). This relates, no doubt, to the "Ordinances" which formed the original draft of the celebrated "Advertisements," but which draft Cecil endorsed as "not published."

**No. 21.**—February 28th. The Primate reported to Cecil the "Varieties in the services," which he had been required to ascertain; but *no single instance of the wearing of an alb or chasuble had been found anywhere*. Some refused the surplice altogether, and at the "Administration of the Communion—some with surplice and copes [plural], some with surplice alone, some with none" (Lansdowne MSS., vol. viii., art. 7, fol. 16).

**No. 22.**—In Bp. Geste's Register at Rochester are entered his Injunctions at the Visitation held in his Cathedral June 28th, 1565; and the xiiijth of the Articles of enquiry which precede these Injunctions (fol. 98) is "Item, whether ye knowe any prist or minister that useth not *in the church* & abroad the apparell that ys appoynted him by the Quene's maiestie's Injunctions." The Eighteenth Article, which relates to the Holy Communion, also asks "whether they use suche desent apparel at the same MINISTRACION as they are appoynted by the Quene's maiestie's Injunctions." The Injunctions of the Queen gave no sanction to either vestments or copes, but No. 30 required the dress of "the latter year of the reign of K. Edward the Sixth," *i.e.*, the "surplice only" of his Second Prayer Book.

**No. 23.**—Horn, Bishop of Durham (who was one of the disputants in "Westminster quire," and as one of the Royal Commissioners "visited" Cambridge, Eton, London, Norwich, and Ely), wrote on July 17th to Gualter, telling him that by the Act of Uniformity—

"though the other habits were taken away (*sublata reliqua faece*), the wearing of square caps and surplices was continued to the clergy, though without any superstitious conceit, which was expressly guarded



against by the terms of the Act . . . It was enjoined us (who had not then any authority either to make laws or repeal them) either to wear the caps and surplices, or to give place to others."—*Zurich Letters*, I. 142, and App. 84.

Is it credible that Horn could have spoken of the "rest of the dregs being taken away" if they were still notoriously required by law?

It deserves notice, too, that Horn regards the language of the Injunctions of 1559, enforcing the new régime, as identified with the Act itself: for the "cap" and the "express terms" are not found in the Act, but in the Thirtieth Injunction. As one of the Royal Commissioners, he had himself not only helped to devise the form of subscription to the Injunctions, but had exacted that subscription from the clergy.

**No. 24.**—Gualter, writing to Humphrey, said: "It troubleth me not a little that the Queen's Majesty's ordinance for the wearing of the surplice and priest's cap" (Lansdowne MSS. ix. Art. 1).

**No. 25.**—November 3rd.—Bullinger wrote to Bishop Horn: "It is expressly provided, as you write, in that decree that square caps, with surplices, are to be retained without any superstition" (Burnet, *Hist. Ref.* III., ii. 426).

**No. 26.**—December.—Longworth, Master of St. John's, speaks of the "Queen's Injunction for wearing surplices" (*S.P. Dom. Eliz. Cal.* p. 263).

**No. 27.**—Bishop Geste, in December, drew up a paper of reasons "that the apparel of priests may be worn." This apparel (he says) was worn by the Queen's commandment. He urges that "the porter, the horse-keeper, sometime wear a linen garment, like a surplice, yet no man judgeth that they do amiss, or to be papists for it" (*Dugdale's Life of Geste*, p. 208).

**No. 28.**—Bishop Bullingham, as Visitor of King's College, Cambridge, ordered the Provost "to destroy a great mass of Popish stuff as mass books . . . copes, vestments, candlesticks, crosses," &c. (Strype's *Grindal*, p. 210, cf. 215).

**No. 29.**—The Royal Commissioners told Downham, Bishop of Chester, that they had taken away "vestments, albe, altar cloth, corporas, and other idolatrous gear" (Bishop Gastrell's *Notitia II.*, 41).

**No. 30.**—In the same year Harding, the Jesuit, published his "Confutation," in which he taunts his opponent, "if peculiar vestiments for deacons, priests, bishops, be taken away . . . judge ye whether ye have duly kept the old ceremonies?" To which Jewel replied: "Ye come in with . . . tunicles and chesibles . . . as if all these things had descended directly from the apostles . . . but you have so misused them, or rather so defiled and betrayed them with your superstitions . . . that we can no longer continue them without great conscience" (*Defence of Apology*, pp. 176-7).

**No. 31.**—The Purchas Judgment says: "An Inventory of the ornaments of 150 parishes in the diocese of Lincoln, A.D. 1565-6, has been published by Mr. Edward Peacock, and it shows that the chasubles or vestments and the albs were systematically defaced, destroyed or put to other uses" (Brooke, p. 170).

In 1565, Archdeacon Aylmer had held a Visitation (*Peacock* p. 54), at which he had given the Churchwardens notice to produce their inventories, after which the following "Royal Commissioners," viz., the Bishop of Lincoln (Bullingham), Archdeacon Aylmer, George Mounson, gentleman, and Sir Robert Mounson, and Martin Hollingsworth "took order" respecting the

illegal ornaments. The Inventories were exhibited and sworn to by the Churchwardens on dates ranging from March 17th (1565, O.S.) to May 2nd, 1566, and were countersigned by the Commissioners. It is clear from these returns that the sacrificial vestments, alb, and chasuble were everywhere dealt with as contrary to law; and we now know, what the Purchas Judges did not know, that these returns were all prior to the issue of the Advertisements, and are evidence—not of a change created by the Advertisements, as has been supposed, but showing what the law was prior to, and quite independently of the Advertisements. One or two of these returns may be quoted as specimens:—

Pp. 107-8.—HORBLINGE.—The inventarie of all such copes, vestments, and other monuments of superstition as remained at any time within the parish church of Horblinge since the death of the late Queen Mary, made by Thomas Buckminster and John Burgies, churchwardens, xviiijth day of March, 1565. . . . Item, two vestments—the one hath Thomas Wright, of Horblinge, and hath cut it in pieces and made bed hangings thereof; and the other was given to Richard Colson, a scholar, and he hath made a player's cote in *anno primo* Elizabeth. Item, two albes, was cut in pieces, and surplices made thereof to serve for our Church."

P. 86.—"GONWARBIE.—Item, 2 copes, 2 vestments, 1 alb, with all the priest's apparel that he was wont to wear at Mass—were cut in pieces *anno primo* Eliz., and sold to William Carter, of Gonwarbie, a tailor.

P. 93.—"HARBROUGH.—Item, a vestment, albes, amises, and such like linen, belonging to the Popish priest—the vestment we have cut in pieces and made a pulpit cloth of, and of the albes a surples of" (*sic*).

P. 83.—"GATON.—Item, one vestment, one alb, fanell, stoles, with such-like linen appertaining to the Popish priest, a Mass book, and a pax with such trifling tromperie belonging to the sinful service of the Popish priest, was delivered to Sir James Bancroft, *anno primo* Elizabeth, of whom we had the same the first year of Q. Mary."

P. 147.—"STOWE.—Item, one cope, one albe, and one vestment, which was lent to our Church by John Hirst, of the same parish, in Queen Marie's days, and at the defacing of all papistrie he had it again, and hath defaced the same." On which the Archdeacon notes: "Let the Churchwardens see it defaced"



Other instances show the same thing—viz., the defacing as illegal of these things at the Visitation in 1559, as well as in 1565-6.

The cope, it is true, received more lenient treatment, as not having been a Mass garment. Yet the majority of the churches had *no* cope. Thus out of the first 79 Lincolnshire Churches 51 had no cope. Some copes had been made into Communion cloths, others into pulpit cloths. Canon T. W. Perry says 24 had been defaced, besides 19 ordered to be defaced in this later visitation (Perry on Purchas J., p. 39), and 12 had been sold. Beside which, it must be remembered that it does not follow that when a cope “remained” it was in *ritual* use. Such things were simply kept for utilisation in other ways from time to time, as opportunity presented itself.

### A.D. 1566.

**No. 32.**—March 20th.—Archbishop Parker and Grindal write to Cecil, stating that “we intende particulerly to examine every of them, whether they will promyse conformitye in there mynistrations and outwarde apparell, stablished by lawe and Injunction” (*Parker’s Corr.*, p. 268).

“The xxvj day of Marche, in anno 1566, beyng Twesday, ye parsons and mynystars of ye churches in and abought London were by (commaundymment) at Lambethe, before ye Archbyeshoppe of Caunterbury and othar of ye cownsell, wher charge was gyven to them to sarve their churchis and were theyr aparayll *accordyng to ye quens Injunctions*, or ells to do no sarvyce. And that same weke or ye begynnyng of ye next came forthe a boke in print subscribyd by ye Archebyshope of Cauntorbury, ye Byshopps of London, Wynchester, Elii, and dyvers othar,” viz., the “Advertisements of Queen Elizabeth.” (*Gairdner’s Three Fifteenth Century Chronicles*, p. 135.)

The last two extracts shew (like some of the preceding ones) that the Injunctions of 1559 were recognised both by the Bishops and the "Council" as governing the "ministrations" in church as well as the out-door dress of the clergy. The Advertisements were being printed, but did not become operative in London till April 4th, nor in the Provinces till the end of May, 1566.

There still remain to be alleged three important contemporary witnesses to the "practice" of the Church during this period.

**No. 33.**—Bishop Cooper, in his *Admonition to the People of England*, referring to the earliest Puritan objectors, said "*at the beginning*, some learned and godly preachers for private respects in themselves, made strange to wear the surplice, cap, or tippet." (Keble's Hooker, 1-142.)

**No. 34.**—Hooker says, "Under the happy reign of Her Majesty which now is, the *greatest matter* awhile contended for was the wearing of the cap and surplice, till there came *Admonitions* directed unto the High Court of Parliament," viz., in 1571 (*ibid.* 141, cf. pp. 136, 138).

**No. 35.**—George Cranmer in a letter to "the judicious Hooker" describes the successive stages of the controversy. He says, "the *first degree* was only some small difference about cap and surplice" (*ibid.* ii.-599).

Such complaints would certainly not have been regarded as the "greatest" on either side had the sacrificial vestments been either customary or legal.

\* \* \*

Reviewing then the above evidence, we see the following points ascertained.

1. That the Injunctions of 1559 which treated the "latter year of Edward VI." as the standard to be conformed to, were regarded by both the Bishops, the Royal Visitors and the Privy Council as relating to

Divine service and the dress of "ministration." (See Nos. 8, 17, 18, 22, 23, 24, 25, 31.)

2. That "the" surplice was worn and was required to be worn at Holy Communion, which it was illegal for any priest to do under the First Payer book (see Nos. 1, 4, 8, 14, 16, 17, 20, 21, 22, 23, 24, 25), and was throughout the *only* dress ever enforced.

3. That Albs and Chasubles were never worn anywhere, but were by the Executive defaced (Nos. 4, 6, 28, 31) confiscated (No. 29) sold (No. 14) and largely converted to other uses (No. 31), and had clearly been discontinued in "practice" (Nos. 21, 30) long before the Advertisements began to be enforced. Jewell, as we saw (No. 9) writing while the Advertisements were being finally settled, declared that the Queen would not "endure the least alteration" of the then existing law, which she was preparing to enforce more stringently. And in a remarkable letter written by Grindal, so late as 1571, the then Archbishop of York told Zanchy that "the law itself allows the Queen's Majesty, with the advice of some of her bishops, to alter some things. Nothing, however, of the law has been either changed or diminished (*de lege nihil nec mutatum nec imminutum est*)." Now as Grindal was himself one of the signatories to the Advertisements this would be strange language to use, if such a change as has been supposed had been effected by their issue. On that hypothesis, we should expect to find a great rejoicing on the part of the puritans at getting rid for the first time of "alb, chasuble, or cope." But there is not a trace of any such result. In the MS. of Earl's diary above referred to (Nos. 15, 16) there are two separate Notices (by separate writers, both puritans), relating to the year 1566, but the Advertisements are not so much as hinted at!



The Zurich letters published by the Parker Society shew that the nonconforming clergy did not regard the Advertisements as relieving them from any burden. Humphrey asks Bullinger (Feb. 9th, 1556) "whether it is allowable to have anything in common with the Papists" and "whether those persons who have till now enjoyed their liberty, can with a safe conscience by the authority of a Royal edict, involve in this bondage both themselves and the church?" (Z.L. i. 152). To which Bullinger, on May 1st, replies, "But since the Queen's majesty only enjoins the wearing a cap and surplice, which, as I have often repeated, she does not in any way make a matter of religion" he thinks Humphrey and his friends ought to conform. (Z.L. i. 351). This letter was at once published by the High Commissioners in England, greatly to the disgust of Humphrey and his friends. Their book was published before June, 1566, and it included also "the judgment of Master Doctor Peter Martyr and Master Bucer, viz. that "every preacher and minister ecclesiastical may wear a surplice, cap and the other habits" (Z.L. ii. 120). A copy of this work, put forth by Abp. Parker, Bp. Grindal, and Bp. Horn (the signatories of the Advertisements) is in the British Museum with the press mark "877-6. 3."

On this Humphrey and Sampson wrote to Bullinger saying "Not only (as our people wish to persuade your Reverence) are the square cap and outdoor dress (*externus vestitus*) required, but even sacred garments are used in church, the Surplice, or white choir-dress and cope are *brought back again*" (Z.L. i. Appendix, p. 94), and they add "the cope which in Edward's time was abrogated by law has now been *restored* by a public decree." In other words, the Cope was for the first time "restored" *in law* by Elizabeth's Advertisements.

In that same month of July, Humphrey and Sampson got old Bp. Coverdale (who on March 26th had been summoned for nonconformity before the High Commissioners) to join them in a similar appeal to Beza, lamenting that "our affairs are not altered for the better, but alas! are sadly deteriorated (in deterius prolapsae sunt) . . . that out of doors must be worn the square cap, tippet (collipendium) and long woollen gown; while the white surplice and cope are to be retained" (Z. L. ii. Appendix, p. 71).

In September Beza writes to consult Bullinger, saying "it is one thing to endure what you cannot alter, it is another thing to *resume*, to the certain offence of many, the things which had already been *laid aside* (sublata resumere, Z. L. ii. 133). It is true, of course, that men like Beza and Zanchy had no first hand or accurate information, but they at least reflect the mind of their informants, the nonconforming puritans in England. A week later Bullinger and Gualter write (September 10th, 1566) to Humphrey and Sampson, who had told them that "the question is *no longer* merely about a cap and surplice, but that they have most grievous cause of complaint." (Z. L. i. 361). Next day, the same correspondents wrote to the Earl of Bedford urging him to use his influence with the queen that "the Reformation of the Church of England be not disfigured by *new* filth and the *restored* relics of wretched popery." (Z. L. ii. 139). On the same day Gualter wrote to Beza saying he had advised the nonconformists not to "desert their churches for the sake of a cap and gown (togam)," but that now "no longer satisfied with those few and unimportant requirements, they [the Council] are endeavouring to impose such things as cannot be allowed with safety to religion." (Z. L. ii. 143).

It seems clear that nobody at the time thought the

Advertisements had lowered the ritual of the church, or dispensed with any previous obligations imposed by the Act of Uniformity. The truth is that the cope which had been irregularly introduced from time to time in "the great churches," as the puritans Anthony Gilby, vicar of Ashby-de-la-Zouch (*Purchas Judgment*, p. 172, Brooke) and Percival Wiburn (*Z. L. ii. 361*) both describe them, had never before received any legal recognition; and the unique Elizabethan compromise (by which the epistoler and gospeller wore copes, as well as the celebrant), first received *formal* sanction in 1566. No puritan complainant, nor episcopal apologist, nor Roman mocker so much as hints that alb, chasuble and tunicle were banished by authority *for the first time* in 1566. For, all along, these things had disappeared from our services and had been dealt with as being illegal in the official acts of Bishops, Visitors, Commissioners, and the [Privy] "Council." The Second Prayer Book of Edward was the ritual as well as the doctrinal standard from the very first year of Elizabeth's reign, as, in substance, it remains to this day under the shelter of the same act of Elizabeth under which the Advertisements obtained such authority as they may possess. Had it been otherwise, the statutory force attributed to them by the Ridsdale judgment would no doubt have operated as a repeal of that temporary suspension of the rubric of 1552 which the 25th section of the act is supposed to have been designed to impose "*until other order*" were taken by the Crown through its Commissioners. The result, therefore, would be much the same on either view, except as regards Cathedral or collegiate churches. But the evidence above detailed shews which view is in more close accordance with known facts.



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# “Expert” Fables

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T has always been a favourite theory of the Ritualists that the Bishops should determine ritual, but only upon the advice of “Experts” (meaning themselves) who should be constituted a “Congregation of Rites,” following, of course, the precedents of the “Mother church” of Rome. The minutes of evidence published by the Commissioners abound in illustrations of the real ignorance of many of these suggested wire-pullers, even in regard to elementary facts. The “Ornaments Rubric,” as everybody knows, is their one source of inspiration. Out of that ambiguous formula, Mr. DENNY (of the C.B.S. and S.H.C., joint-author of the book presented by Lord Halifax to the Pope to induce him to recognise the validity of Anglican Orders) was able to extract the use of the Amice, ceremonial censings, holy water, crucifixes, sacring bells, elevation, reservation, crossings, kissings of the altar, confiteor, commixtio, canon of mass, observance of feasts of All Souls, Corpus Christi, S. Thomas a Becket, processional lights, chrism, the kiss of peace, &c., with as much ease and assured confidence as a conjuror can bring out yards of ribbon, or rabbits *ad lib.* from an apparently empty hat. (See Minutes, Vol. III., pp. 142-151.)



Yet on this very topic it is curious to see what "Will-o'-the-wisps" these pretentious guides proved to be.

Mr. FRERE, for instance, was reminded by Sir L. T. Dibdin, that there were two views as to what is meant by the "authority of Parliament in the second year of Edward," and added, "I gather that you consider it more or less a matter of doubt?" To which Mr. Frere replied, "I have had a great deal of difficulty in making up my mind about it. I confess I have looked upon it from a very great many points of view. I think I feel a little more clear in my mind now than I did when I wrote,"—viz., the "New history of the Book of Common Prayer," reviewed in our C.A. Tract, No. 304. "Which way, may I ask, has your mind gone?" "In the direction that it refers to the [First Prayer] book." (Minutes I-162.) Again, "I should have thought the Act of Uniformity was of very much higher importance than the letter of Archbishop Sandys?" Mr. Frere replied, "I think so. That was not in my mind then. I had not really appreciated the point." (q. 2460). He endeavours, however, to cancel the effect of this admission by contending that the "INTERPRETATIONS" to which he assigns (erroneously) the date 1560, had modified the rubric, and that this might perhaps account for the complete disuse of the sacrificial vestments.

### The "Interpretations."

For these "Interpretations" he refers to Strype's Annals (I.-318). He admits indeed that they had no sanction from the Crown (q. 1853), and therefore could not possibly be a taking of order by the Crown under the terms of the Act of Uniformity. Yet he relies on them (q. 1979) as authorising the action taken by the Royal Visitors in 1565; and, waxing bolder, by and by, claims

(q. 2350-1) "*Royal* authority for the surplice and the dress of the clergy by the Injunctions *and the Interpretations* of them!" In this he is followed and even outstripped by Mr. PULLAN, a brother expert, who told the Commissioners that "the Interpretations *issued soon after* the Queen's Injunctions by the Archbishop and Bishops did *deny the clergy the liberty of obeying the law*, for they prohibited all vestments except the Cope and the Surplice" (Minutes II., q. 9601). That statement is absurd on the face of it, for the Act of Uniformity could have been enforced at the Assizes, and the Queen's Bench would have issued prohibition to restrain any lawless action on the part of either the Ordinaries or the High Commission court. Yet even Sir L. Dibdin allowed himself to be imposed upon by such confident statements, for he put to Professor Sanday the leading question (16494), "You remember the Interpretations of the Injunctions, *published* after the Injunctions?" To which Dr. Sanday guilelessly answered "Yes." Nevertheless it is a plain matter of fact that these "Interpretations" were never "published" at all until the reign of Queen Anne. They were never even drafted in any complete form; they were signed by nobody, and the three separate drafts, still extant, diverge from one another and contain such tentative proposals as "Suit *to be* made to the Queen's majesty for Reformation of pensions imposed." Lord Selborne deems them merely "suggestions for future legislation" (*Notes on the Liturgy*, p. 12). Canon Swainson says the version published (for the first time by Strype and copied by Cardwell) is only "a part of the series," the rest never having been published at all! (*Historical Inquiry*, p. 22.) Mr. James Parker and Canon T. W. Perry assign their date to the year 1561; and having ourselves collated the MS. at Corpus Christi, Cambridge, with the two MSS. in the

Inner Temple Library, we can vouch for the fact that Strype's record is an inaccurate blend, corresponding exactly to no one of the competing but unvouched originals. They may possibly have formed the first draft of the intended "Advertisements of the Queen," which she did not authorise her Commissioners to "order" until 1565. Nothing can prove more clearly the bankruptcy of evidence than an attempt to palm off these crude scraps of anonymous proposals as "effective" pieces of church legislation, though there is not the smallest trace of their having come to the knowledge of anyone save the draftsman and the Archbishop. It is absolutely untrue that they were ever "published" in the 16th century.

### **"Authority of Parliament in the Second Year of Ed. VI."**

As to the meaning of these well-known words the way in which Mr. PULLAN "climbed down" is very instructive. Sir Lewis Dibdin summed up the effect of his contention in these words (q. 9676), "You take the Ornaments rubric as the authority in the Church of England for the ceremonial which was in use up to 1054. Is that right?" "Broadly speaking, I think so, always supposing that it is not anything excluded by the Articles and the Prayer book." Further questioning made the witness a little shaky and at length his questioner put to him a series of questions which compelled the expert to admit the ruling of the Privy Council to be correct. Among these were the following:—

(9699). "And there is no doubt, is there, that in that case it means an Act of the second and third of Edward. 'By authority of Parliament in the second year' is a way of referring to an Act of the second and third Edward, the Act to which I have referred?"—"Yes."



(9706). "I suggest to you that the words of the Ornaments rubric section, 'By authority of Parliament in the second 'year' mean 'by authority of Parliament holden in the second year?'"—"Yes."

(9707). "Do you accept that view?"—"I think it is extremely probable. I think I do accept it."

(9715). "The actual order of the words does not quite bear out your statement on page 1 of your memorandum, 'The rubric therefore, on the face of it refers to the ornaments used immediately *before* the First Prayer book of Edward was introduced into our churches.' The words as they stand surely do not do that, because the words are 'such ornaments . . . shall be retained and be in use as was in this Church of England by the authority of Parliament in the second year of the reign of K. Ed. VI.' It is not 'such ornaments shall be retained and be in use as was in this Church of England in the second year by the authority of Parliament,' but 'the second year' is tacked on, not to the 'use,' but to the 'Parliament.' You observe that?"—"Yes."

(9716). "So that surely the actual order of the words suggests the interpretation which I have been suggesting to you and which I gather generally you agree with?"—"I think I agree with you."

We may reasonably hope, therefore, that Mr. Pullan will re-write his book on the Prayer book in which the opposite view is dogmatically asserted. He admitted (q. 9554) that "At no time does it appear that Queen Elizabeth had in use only the Ornaments mentioned by the First Prayer Book of Edward VI."

Dr. SANDAY is referred to by the Dean of Canterbury as an "expert" whom the Canterbury Convocation would desire to co-opt (q. 18195). Dr. Sanday had even written a pamphlet on the side of the Ritualists; yet on cross-examination he became quite ready to recant. He had stated that "the masses of the people welcomed the accession of Mary and the return of the old religion with relief," but on enquiry said it was "based on Dixon and Frere,"\* and he "only gave the impression for what it

\* For the value of these authorities see our review of Dixon's "History" and Frere's "re-written Procter on the Prayer Book."

is worth." He contended that Elizabeth's Act had a Prayer book "annexed" to it. When Sir L. T. Dibdin remonstrated saying, "But that is a matter of well-known fact. There was no book annexed and no book referred to as the book annexed?"—"But you must bring in the book to explain the words of the Act." "That is a different matter" (qq. 16438—16466). To the last, however, he did not appear to have realised the importance of deciding what is meant by "the" book, or the importance of what was pressed upon him, viz., that "there was no book annexed at all, because all the alterations were in the Act."

(Q. 16458): "You told us very frankly you had forgotten a matter which has since occurred to your mind, which led you to remember the second Act of Uniformity of Edward; which, in your view, now places it beyond doubt that the second year means a reference to the first Act of Uniformity?"—"Perhaps I may explain that my reference was not to the time when I prepared this memorandum, but to some years ago, when I wrote a pamphlet. I did not really look it up to see exactly what I said, but I know that I was not then aware of that section in the second Act of Uniformity." As the net result, he admitted that now he "had no doubt that the 'second year' does refer to the First Prayer book and the first Act of Uniformity authorising it." When pressed as to the weight to be attached to the Ridsdale judgment, he gave way readily to the objections raised, but fell back no less readily upon his own "opinion in his *heart of hearts*," i.e., on purely sentimental dislike. Dr. Sanday's evidence throughout is that of an amiable gentleman of warm feelings, but of slender reading on the subject on which he had volunteered to give evidence: indeed he repeatedly disclaimed having any special

knowledge of the subject on which his "evidence" was being tendered.

### "1547."

Dr. LINKLATER volunteered the information that "the ritual reformation took place when the Injunctions of 1547 were published" (q. 10609), let us hope in entire ignorance that not only were all the Latin services then unchanged, but the bloody act of the Six Articles was in full force and Bonner received a fresh Commission under it during that same year. He told the Chairman that the Privy Council had never had the point submitted to them as to whether "the second year" in the ornaments rubric meant the usages of that year, or the Act of Uniformity; whereas to Dr. Linklater "it is quite simple and plain" that it meant the former. But Sir L. Dibdin was not willing that the Chairman should be so misled. He said (10622), "Are you not aware that that very point was argued, and argued very keenly, in the first case of all *Westerton v. Liddell* and solemnly decided by the Privy Council (in your view wrongly) that it did not mean the second year and did mean the First Prayer book?"—To which the Expert replied, "No, I am not aware of that!"

### 1 Eliz., c. 2 ignored.

Mr. DENNY, however, whom we have before mentioned, was fully equal to Dr. Linklater in ignorance of elementary facts. Thus he refused to admit that the Act 1 Eliz., c. 2 "is part of the contents of the Prayer book" (q. 18647), though it was subscribed by every member of both Convocations before the MS. was submitted to Parliament, and was declared by the two Archbishops in



their published resolutions on Incense and Processional Lights (p. 8) to have been "thus formally adopted by the authority of the Church" at the last revision. The same witness had boasted that the Advertisements of Elizabeth had not the Royal authority, as was proved by the fact that Cecil had written on the back of them "Not authorised or published." This was too much even for Dr. Gibson, who asked in natural amazement, "Have you realised that the endorsement, 'Not authorised or published' to which I think you were referring, is simply on the back of an earlier draft of the Advertisements and does not refer to the Advertisements in the form in which they were published?" to which Mr. Denny replied, "No, I did not know that," and professed himself much obliged to Dr. Gibson "for pointing it out" (q. 18615.) Yet this mistake had been "pointed out" nearly twenty years ago by the Church Association in their penny tract on the Advertisements, and so far from never having been "published," there are at least five separate Editions still remaining out of the many "published" during Elizabeth's reign.

\* \* \*

The above are samples of the hidden wisdom to be gained by leaving ourselves in the hands of ritual experts, who were at their wits' end to find some plausible explanation of the fact that under Queen Elizabeth,—notwithstanding the retention of their benefices by the old Roman Catholic incumbents, the popularity of Romanism among the peers, lawyers and other influential classes, the alleged preference of the Queen herself for the prayer book of 1549, and above all the alleged statutory requirement (as they claim) of the ornaments of A.D. 1054 to 1552,—nevertheless, the sacrificial vestments

were finally discarded from *ritual* use after the "Commissioners under the Great Seal for causes ecclesiastical" had gone their rounds in the Royal visitation held throughout England and Wales in the year 1559. For that was just the time when the Act of Uniformity was fresh from the mint, and "uniformity" was being established under it by the very men who had taken part in framing that statute. Such a glaring anomaly needed some explanation; and that is why the "Interpretations" of 1561 were put forward quite seriously as though they were official or at least public documents: whereas they had absolutely no existence except as a skeleton draft of proposals of unknown authorship, which were not only never "published" but were abandoned before any complete form had been arrived at.

### The Amess.

Mr. ATCHLEY and Mr. FRERE put forward the AMESS as being an illustration of their theory that all, or nearly all the "ornaments of the minister" used before the Reformation were "retained" in *ritual* use under the Elizabethan Settlement. The Almuze, spelled also Amys, or Amess, but not to be confounded with the Amice, which was one of the mass vestments—(See *Protestant Dictionary*, p. 793) was not really a "dress of ministration." The Alcuin Club in their tract on "The ornaments of the Rubric," say it "was a fur hood with a cape, originally intended to keep the wearer warm. Later it became a badge of dignity, and distinctions were made in its material and form."

Mr. Vernon Staley in his revised edition of *Hierurgia Anglicana* gives a capital picture of one showing that it resembled rather a ladies' "boa," being really a portion of the *outdoor dress* which conventionally had come to be

the distinctive mark of cathedral dignitaries, like the shoyel hat or short cassock and gaiters of modern times. Mr. Frere (Minutes I.-123), and Mr. Atchley (III.-33, 34), both point out that under the prayer book of 1549 the absence of any direction to wear this dress in church was regarded as prohibiting its ritual use.

They refer us to *Wriothesley's Chronicle* (ii-14), which states: "On Whitsondaie (9th June, 1549) the cannons and petie cannons in Poules left off their gray and calabre amises, and the cannons wore Hoodes on their surplices after the degree of the Universities, and the petie cannons tipittes like other priestes." The same statement is made in the *Chronicle of the Grey Friars* of London, p. 59. Mr. Atchley was asked:—

16,595. What was the meaning of the amesses; had they any meaning?—Only to signify the rank of the individual who wore it.

16,596. They had absolutely no doctrinal meaning?—None whatever; it was a fur cape to keep a man warm only; a big cape that came down to the shoulders like the sort of fur cape worn by ladies at the present time.

16,597. Like coachmen wear?—Yes, the same thing exactly, only fuller, with cats' tails hanging all round.

Mr. Frere improves upon this by urging that "In 1549 its use was given up on the appearance of the prayer book; in 1559 its use was not given up on the appearance of the prayer book; on the contrary, it remained in use in St. Paul's Cathedral and in the Queen's Chapel at Windsor, and it became one of the 'points of popery,' which were charged against the Church of England. . . . In 1571 they were done away with; Convocation decided that they were monuments of superstition. . . . But it is significant in the first place that Parker himself wore it at Convocation in 1563, and also that they were worn in spite of Puritan protests, after the Advertisements—before 1566 and down to the Convocation of 1571; that it to say, the



authorities did not interpret the Advertisements as precluding the use of other ornaments of the minister; but in the cathedral of London, their use went on until 1571." [?] (q. 1955.)

But this argument breaks down at two points, for it cannot be shown that any "authority of Parliament" ever prescribed the use of the amess; nor, secondly, that it was worn as a dress of "ministration" under Elizabeth. Not one of Mr. Atchley's vouchers relates to the official dress of the officiating minister in any office prescribed in the Book of Common Prayer. The only apparent exception was the singing of the litany in an out-door procession on St. George's Day at Windsor, when not only the clergy, but the clerks and Knights of the Garter wore copes, and some of the dignitaries were "in gray and calaber amisses." But Windsor is a royal peculiar not subject either to any bishop or any ecclesiastical court, and by long custom the Knights of the Garter on their anniversary enjoy a fancy service peculiar to themselves. The first prayer book did not prescribe any dress for the litany; and Mr. Atchley himself admits (q. 16616) that under it the almuce was illegal.

On the other hand, we have in 1559 the definite "order taken" in accordance with the 25th section of Elizabeth's Act of Uniformity by the "Commissioners under the great seal for causes ecclesiastical," who were the official interpreters and executants of the newly-restored Second Prayer Book of Edward VI., which Mary abolished, but which Elizabeth brought back. *Holinshed's Chronicle* (Vol. III., p. 1184, b) records how "on the 12th day of August [1559] being Saturday, the high altar in Paul's Church with the rood and images of Mary and John standing in the rood loft, were taken down, and the prebendaries and petie canons commanded to wear no

more their graie amises, but to use only a surplice *in service time*. This was done by commandment of Dr. Grindal, newly-elected Bishop of London, Dr. May, also newly-elected Dean of St. Paul's, and other Commissioners then appointed." We learn from *Machyn's Diary* that the new dean took possession of his deanery on June 11th, and his Commission is dated July 19th, so that little time had been lost.

Archbishop Whitgift, whom Mr. Atchley calls a "conformist Puritan," and who had been ordained in 1560 when the "fraud-rubric" of Elizabeth had been just recently interpolated, and knowing well, therefore, the resulting practice, reminds us (*Works*, II.-52) that "the grey amice was justly taken away because *the use of it is not established by any law of this realm*, as the use of other vestures be; and in mine opinion the Bishops deserved commendation in so doing, for thereby they declared that they will not suffer any rites or ornaments to be used in this Church, but such only as are by public authority established." The "other vestures" here spoken of, as we learn from the context (p. 50), (and Whitgift was writing *after* the Advertisements of Elizabeth professed to legitimate the wearing of copes by the three ministers who officiated in Cathedrals) were only "Copes, caps, surplices, tippetts"—*not* the Chasuble, alb, stole, which these same Puritans admitted\* that the Bishops had "refused." The puritan "Admonition" admits (pp. 50, 51) that the amess "is but a garment of dignity," and "was used in few churches, and but of few also in those few churches." In other words, the amess was in the same category as shovel-hats or knee-breeches, and aprons now are at the present day. This is shown by one of the earliest Eliza-

\* See Tomlinson on the *Prayer Book*, p. 135. Gee's *Elizabethan Prayer Book*, p. 158.

bethan allusions to the Amess, viz., at the Consecration of Abp. Parker, when the Archbishop-Elect appeared in his surplice, the celebrant and his "Epistoler" and "Gospeller" (all three), wearing copes; but on leaving the building *after* the service, the Archbishop no longer wore the gown and hood in which he had arrived; but, "vested in a white episcopal surplice and a chimere (as they call it) of black silk, and *wearing round his neck a certain collar made of valuable sables*. In like manner, the Bishops [elect] of Chichester and Hereford were each vested in their Episcopal vestments—a surplice and Chimere" (Bailey's *Defence of Holy Orders*, which gives a facsimile of Abp. Parker's Register, p. 20). Here there can be little doubt that Parker's "Amess" was described, viz., the fur wrap which is shown in the *outdoor* portraits of so many bishops. But the Latin original shows further that the word "Amictus" was there used in its classical (generic) sense for *any* sort of loose dress. It runs: "Pari quoque modo Cicestren. et Hereforden. suis episcopalibus *amictibus*, superpelliceo *scilicet* et chimera uterque induebatur." Mr. Atchley is compelled to admit that the Royal Commissioners acting judicially in London in August, 1559, "ordered its disuse." And as these were the "Commissioners under the great seal for causes ecclesiastical," mentioned in Section 25 of the Elizabethan Act of Uniformity, the "order taken" by them was the Act of the Crown, and the seal they used was the seal of the Crown "for causes ecclesiastical," as Canon Dixon shows (*History*, v. 150.)

In despite of such contemporary official interpretation, Mr. Atchley prefers to rely on a fancy service used at the Obsequies of Henry II. of France, which took place at St. Paul's on September 8th and 9th, 1559 (q. 16604.)

That curious function is described by Strype in his



*Annals* I., 189. On that occasion the three bishops who officiated appeared in their surplices and Doctor's hoods, and were assisted by "two of the prebendaries in their grey amices." It may easily have been that the latter simply read the lessons in their customary outdoor dress, without donning the robe of "ministration." At any rate, this quasi-"Dirge" service was *not one under the Act of Uniformity*. On the following day the three bishops who officiated at Holy Communion were dressed in copes. What part in it the prebendaries in their grey furs took, if any, is not specified. It can hardly be safe to infer from such slender premisses that the use of the amess was prescribed "at the time of the Communion, and at all other times in ministration," to all cathedral dignitaries by the "fraud rubric" of Elizabeth; especially as Strype, in his "Life of Grindal," *which was published later*, gives a different account of the matter (p. 38), and is borne out by the contemporary witness of *Machyn's Diary* (p. 210), which records that "On September 9th, 1559, my Lord of Canterbury, the minister, the bishop [of] Hereford, Skorey, did preach, and the Bishop Barlow—these three had black gowns and great hoods lined with silk, and priests' caps."

But Mr. Atchley further urges that at the meeting of Convocation in 1562, Archbishop Parker and his suffragans wore "amess and habit," for which he refers us to Cardwell's *Synodalia*, II., 497-8, where the Convocation record says that in the vestry of St. Paul's, Parker, "amictu et habitu suis vestitus," was accompanied by all the suffragans of the province "similibus habitibus indutis"; but this is explained *in the same sentence* to mean "habitibus suis in hujusmodi negotii Convocationis solitis, indutis"—in other words, "dressed in their usual Convocation robes." Comparing this with the above account of

Archbishop Parker's consecration, there can be little doubt that the word "amictus" is here used only in the looser sense, to which Archbishop Parker's register also testifies, when it explains "Amictibus" by adding "superpelliceo *scilicet* et chimera," *i.e.*, "namely, the surplice and chimere."

Mr. Atchley claims (q 16616) that "As late as 1581 a Puritan Tract denounced 'the gray amess with cattles tayles' as one of the 'grosse pointes of poperie' evident to all men in the Church of England." But Archdeacon Harrison pointed out in 1845 that that "Tract" was written in 1566, though not published till 1581. The Advertisements of 1566, and the Canon passed by the House of Bishops in 1571 doubtless gave the quietus to this irregularity. But the official action of Bishop Grindal, and Dean May, with the rest of the Royal Visitors in 1559, and the clear statement of Archbishop Whitgift are absolutely conclusive as to the illegality of the amess under the Elizabethan rubric. (See Archdeacon Harrison's *Historical inquiry into the interpretation of the Rubrics*, pp. 25, 140.) It is easy to understand why the practice should have persisted so long, because Dignitaries are usually men in late middle life, officiating in the largest churches which were then destitute of heating apparatus; and, apart from the social distinction of such a badge, they would gladly keep on this outdoor wrap, just as a modern dean might officiate in woollen gloves and with a "comforter" round his neck, in an unwarmed cathedral in winter. Some over-zealous Ritualists try to seize upon the known instances of such use, to justify their retention of the sacrificial "Amice"! But Mr. Vernon Staley, a prophet of their own, shows that this is an entire mistake of one vestment for another. (*Hierurgia Anglicana*, 1903, pp. 151, 156, 157, 174, 176, 213.)

## The Stole.

Another question raised was as to the legality of the STOLE. Mr. Frere says (q. 2477): "My only difficulty is with regard to such a vestment as the stole, which has never been in question in the courts. . . . It has never, I think, been *eo nomine* questioned in the courts." On which Sir L. T. Dibdin remarked: "Oh, yes, it has; but on the view that the Advertisements are binding. . . . It has been decided in the Elphinstone case that the stole is illegal, but that was on the ground that the Advertisements are binding." (q. 2478-9). That is a very curious cluster of mistakes. The question of the lawfulness of the stole has never been submitted to the Privy Council; the stole was condemned as unlawful in the Purchas case by the Dean of the Arches (Sir R. J. Phillimore), who was a "spiritual judge" deriving his authority from the patent of the Primate, and not in any way influenced by the Privy Council in this matter. But so far from resting the condemnation of the stole on the Advertisements, he expressly rejected the authority of the Advertisements. Among many like words he said:—"No legal treatise of authority, and no judgment of a court of justice has ever yet pronounced that these Advertisements were issued under the conditions which the statute of Elizabeth required." He therefore pronounced in favour of the alb and chasuble solely on the ground that the "ornaments of the minister mentioned in the first prayer book of Edward VI. are those to which the present rubric referred; and I cannot therefore pass any ecclesiastical sentence against Mr. Purchas for wearing them. The next question is: What are those ornaments? They are for ministers below the order of bishops, and when officiating at the communion service, cope, vestment or



chasuble, surplice [*!sic*], alb, and tunicle. . . . It is unlawful, *therefore*, for Mr. Purchas to wear or authorise to be worn, a cope at morning or at evening prayer; albs with patches called apparels, tippetts of a circular form, stoles of any kind whatsoever, whether black, white or coloured, and worn in any manner; dalmatics and maniples, which latter ornament it appears from the evidence, was worn on one occasion. . . . As to the girdle and the amice it is not proved that Mr. Purchas wore them or suffered them to be worn." (Fourth Report of Ritual Commission, pp. 242, 244-5). It is clear then that the condemnation of stoles was rested on their having been designedly left out from the Ornaments enumerated and authorised in the First Prayer Book. But on the same ground, the "surplice" at Holy Communion ought equally to have been condemned, as it was quite unauthorised by the First Prayer Book for the use of any officiant when the Holy Communion was being administered. Mr. Frere says the stole "is so universally worn." That also is a mistake. What the clergy have all along worn is the tippet or scarf; though since 1840 it has become fashionable to speak of it as a "stole" among ignorant persons who like to smatter what they suppose to be "correct" terms. (See our Tract No. 267 on "The Minister's Scarf.") Evangelical clergymen put themselves in the wrong and their case out of court by adopting such foolish and inaccurate terms at the bidding of their clerical tailors.

### **The Advertisements of Elizabeth.**

Another mistake on the part of Mr. Frere is borrowed from Mr. James Parker. He says (q. 1911-12) that the first draft of the Advertisements had a penal clause at the end, authorising the Bishop "to inflict suspension, and, if

they continue contumacious, sequestration"; but, he adds, "when he [Archbishop Parker] issued the Advertisements the penal clause was struck out, and, therefore, in proceeding to sequestration and deprivation he was proceeding upon his own responsibility, and not on the Queen's authority." Sir Francis Jeune (Lord St. Helier) drily observed: "I should have thought the inference was exactly the reverse,"—to which there was no reply. But several things deserve to be here noted. In the first place this penal clause did not mention or authorise "deprivation" which Archbishop Parker nevertheless inflicted. In the next place Parker tells us why he altered the clause. He tells Cecil, the Prime Minister, that in the first draft "we made the pain sequestration and *not deprivation*. For that much depriving [with new fruiting, will be taken *in malam partem*" (Parker Corr. p. 264 and compare Strype's Parker 1-433.) Next it is obvious that any attempt to deprive an incumbent of his freehold without authority from the Law would have been sternly prohibited by the Queen's Bench, always jealous of "spiritual" encroachments on freehold rights. The reason for omitting all penalties from the Advertisements was that power to deprive had already been entrusted to the High Commissioners under the Letters Patent of 1562, which authorised Parker, Grindal, Cox and Geste (four of the signatories to the Advertisements) to punish by "censures ecclesiastical, deprivation or otherwise" any ecclesiastical offences. These letters patent are reprinted in our Tract 107, though both Cardwell, and Gee and Hardy, have strangely overlooked them.

In the next place we learn from Bishop Grindal's Register, fol. 110, that the punishment for opposing the Advertisements was "*sub pœna in dictis Injunctionibus.*"

That penalty was "deprivation, suspension, excommunication, and such other coercion, as to Ordinaries, or other having ecclesiastical jurisdiction, whom Her Majesty hath appointed, or shall appoint for the due executing of the same, shall seem convenient." (Doc. Ann. I. pp. 211, 237.) Both the Letters Patent and the Injunctions *emanated from the Crown* under the provisions of the Act 1. Eliz. c 1., so that Mr. Frere's inference is exactly reversed by the facts of the case when these are fully stated.

### Subscription.

Another ground for denying the Royal authority of the Advertisements (which is not copied from Mr. James Parker, but seems to be original) is that "Grindal demands of all the people that they should subscribe the said articles." Grindal, by the way, did not say "articles," but "Advertisements." (See Lord Selborne's Notes on the Liturgy, p. 74.) Mr. Frere comments: "That also I venture to suggest—I do not know how far I am authorised in doing so—would be an extraordinary way of treating things which were simply Royal Orders." (q. 1919.) But the Royal Injunctions of 1559 which were "simply Royal Orders" taken on the advice of the Privy Council, were similarly "treated." Every incumbent was required to subscribe his name to the declaration. "We do confess and acknowledge . . . the Orders and Rules contained in the Injunctions given by the Queen's majesty and exhibited in this present Visitation to be according to the true word of God, and agreeable with the doctrine, and use of the primitive and apostolic church. In token thereof we have hereunto subscribed our names." (*Chartae miscellaneae*, Lambeth MS. Vol. 13, pt. ii.). It would be much more reasonable



to contend that no such subscription could have been enforced on incumbents as a condition of retaining their freeholds unless under the sanction of the Crown acting on statutory provisions.

## The Royal Order of 1561

*versus*

## The Advertisements.

Mr. Frere also adopts from Mr. J. Parker the objection that the Queen's letter of January 22nd, 1561, and the Orders issued under it, dated October 10th, 1561, which are printed in Miller's *Guide to Ecclesiastical Law*, were a valid "taking of order" under the Act of Uniformity, whereas the Royal Letter of January 25th, 1565, under which the Advertisements of 1566 were issued did not fulfil the necessary conditions. On which there ensued this dialogue:—

1877. (Sir F. H. Jeune): "You do not suggest that there was any particular form required by statute, do you?—I suggest that an official document was required to take order.

1878. Why?—Because the action of the Crown must be somewhat authoritative.

1879. But the Act of Parliament does not say so; all that the Act of Parliament says is that it shall be by the Queen's authority?—Then there is the contrast between the document of 1561 and the document of 1565.

1880. That only shows that the Queen can take action at one time in one way, and at another time in another way. That is all that comes to?"

Obviously this is a highly technical matter of which none but lawyers can judge, viz., as to the precise forms needful to be observed under a given Act of Parliament; and it is pertinent to remark that the legal validity of the Advertisements has twice been affirmed by the Supreme Court, who did not hesitate to reverse Sir R. Phillimore's ruling to the contrary. The Orders of 1561 have not had

the advantage of judicial investigation; and it is amusing to note that Mr. James Parker, in his "Letter to Lord Selborne," pp. 159, 161, contradicts both himself and Mr. Frere by affirming that the orders of 1561 did *not* fulfil the requirements of the Act. We are not concerned to dispute the validity of the Orders of 1561; on the contrary, we think them statutory and capable of enforcement. They were enforced at Bristol Cathedral by the High Commission on Dec. 21, 1561. (Miller's *Guide to Ecclesiastical Law*, p. 93.) But if a comparison and contrast is to be made between those earlier orders and the Royal Advertisements of 1566, the former are in several respects the less formal of the two. The Queen's letter of January 22nd, 1561, is *not* "under the Great Seal" as stated by Canon Perry and other writers. It made no "further order" whatever, but only authorized the Archbishop and his fellow Commissioners to make Orders—*first* for a revised calendar and lectionary, *secondly*, for tables of the decalogue to be placed in every church, *thirdly*, for the alteration and repair of chancels, and *fourthly*, for regulating the use of a Latin translation of the Prayer Book. But not one of these things was directly effected by the Queen's letter of January 22nd, 1561. The High Commissioners proceeded under this warrant to take order. They made and issued a new calendar on February 15th, 1561, which is expressly said to be "made, conceived, and established" by the Commissioners; but *this Order was neither seen, nor signed, nor sealed by the Queen herself at all*. A copy of the Order is given in the "Parker Correspondence," p. 135, of Liturgical Services of Q. Eliz., p. 435. Again, it was not until October 10th in the same year that "further order" was taken by the Commissioners in respect of the chancels. A copy of that Order exists in the British Museum,

"5155, aa. 7," and Mr. Parker has incorrectly printed one portion of it. But it may be seen at length in Robertson's edition of Heylin's *Hist. Reformation*, ii., 361. Now this Order of October 10th, 1561, is the true analogue to the "Advertisements" of 1566. It was issued solely by Commissioners "by virtue of her Majesty's letters," and was neither seen by the Queen, nor signed by the Queen, nor sealed at all.

Nevertheless, this Order for pulling down roods and roodlofts, was enforced by Abps. Parker, Grindal, and the rest, and was recognised under the title of "Orders of Q. Eliz., 1561," by the Convocation of 1640. The original, however, has never been discovered, and till 1848 no printed copies were of late years known to exist. It is remarkable that these Orders of 1561 were not authenticated by the signatures either of the Metropolitan, or of the Commissioners, in which respect they are inferior in form to the Advertisements of 1566. And it is interesting to observe that neither the Metropolitan nor the Commissioners gave any "advice" respecting the Latin Prayer Book, which remained without any sort of statutory sanction, and therefore was never reprinted.

Of the Queen's letter dated January, 1565, "by virtue of" which Abp. Parker and his fellow Commissioners made the later 'Order' known as the "Advertisements of Q. Eliz." we do not appear to possess the original. Two drafts are extant, one being carefully corrected by Cecil, the prime minister, the other representing nearly if not quite the form which the Queen's letter finally assumed. The latter has been printed again and again (see Strype's *Parker* iii., 65, or *Parker Corr.* p. 223), and a contemporary copy is in the Lansdowne MSS. (viii., 6) now in the British Museum. As we have not the original, of course the copies do not bear either the Royal signa-



ture, or seal. But it happens that among the Petyt MSS. there is an original letter, still bearing the royal signature at its head, in which the Queen refers to this very letter as having been addressed to Abp. Parker "*as the Metropolitan of our realm, and as the principal person in our Commission for causes ecclesiastical.*" (Parker Corr. 386.) Moreover the Queen's letter of January, 1565, is quoted and referred to in Abp. Parker's official letter to the Bp. of London enclosing the Advertisements as "Orders decreed" by the Commissioners "by virtue of the Queen's letter commanding the same." Writing in 1573, Abp. Parker reminded Cecil that the "Order" of the Advertisements "had been taken publicly this seven years by Commissioners according to the Statute" (Parker Corr. p. 450), a fact of which Mr. Frere was constrained to say "I have no explanation." (q. 2390.) Lastly, the Queen's letter is alleged in the very forefront of the Advertisements themselves which were publicly enforced at Visitations for the next hundred years.

So then :—

(1) The "further order" of 1561 was *not* the Queen's personal act : and though made by the Commissioners it was not even "subscribed by the bishops."

(2) The Order of 1561 does not "refer to the Act of Parliament," whereas the Queen's letter of 1565 does refer to the proviso in the Act of Uniformity in these words :

"We do by these our present letters require, enjoin, and straitly charge you, *being the Metropolitan . . .* to confer with the Bishops your brethren, *namely such as be in Commission for causes ecclesiastical . . .* and thereupon as the several cases shall appear to require reformation, so to proceed by ORDER, injunction, or censure, according to the order and appointment of such laws and ordinances as are provided by Act of Parliament.

(3) The Order of 1561 does not represent itself as a Royal warrant. On the contrary, it calls itself "Orders

taken *by virtue* of Her Majesty's letters addressed to her Highness' Commissioners for causes ecclesiastical." And the same phrase, "by virtue of," is used also in the Advertisements of 1566.

(4) The Order of 1561 is not under the Queen's signet, nor (for that matter) under anybody's signature.

It might be added that neither the Orders of 1561 nor the "Further Orders" appended to the Injunctions are nearly so well authenticated as regards the "advice of the Metropolitan, or of the Commissioners" which was required by the Act of Uniformity in such cases.

### **Anonymous Attacks on the Advertisements.**

Mr. Frere relies on a book called *An Abstract of certain Acts of Parliament* which says, "because the book itself cometh forth without her Majesty's privilege, and is not printed by her Majesty's printer, nor any in his name, therefore it carrieth no such credit and authority with it as whereunto her Majesty's subjects are necessarily bound to subscribe" (q. 2064). But Mr. Frere forbore to tell the Commissioners that these statements were false. The words *cum privilegio* are on the title-page, and Wolfe who printed them is called *nostrum typographum*, in Q. Elizabeth's Letters patent, 1560 (see Clay's *Liturgical Services of Q. Elizabeth*, p. 301; Droop's *Edwardian Vestments*, p. 155). It might also have been mentioned that the Dean of the Arches, Dr. Richard Cosin, replied in the following year by publishing an "Answer," in which he said, "And is any man to surmise that those reverend and wise Fathers, who subscribed to the said book of Advertisements, would or durst publish them in Her Majesty's name, and as by her authority and letters dated such a certain day, if it were not so: or that they would enterprise to forbid or restrain that which the law had so exactly charged and commanded?"

## The Date of the Advertisements.

Mr. Frere tries to make a point against the authority of the Advertisements by saying, "In nearly all cases in which they are quoted as having the Royal authority, they are also quoted by the wrong date. The reason for the mistake is the same in all cases: they have been misled by the Letter which stands at the beginning of them, which was dated 1564, that is 1565 of our computation" (q. 2064).

The "mistake," however, is his own. Grindal, who, as Bishop of London, published the Advertisements officially to the bishops of the province of Canterbury, and who was himself one of the Commissioners who signed the Advertisements, knew at least as well as any modern writer the true date. In his Register, folio 110, he describes them as "given and published by the Queen's Majesty's Commissioners on the 25th day of January, in the seventh year of her reign." The explanation is that the Queen's letter, which was of that date, was the enacting authority which gave legal force to the "Orders" made in her name, by her commissioners, and therefore though the Orders themselves were subsequently delayed, owing to temporary differences between the Queen and her advisers, the date of the Orders is still reckoned by that of the document which originated and covered them. The Advertisements themselves bore *no* date at all. Unluckily, Bishop Sparrow, in his reprint of them in 1661, added a date on the title-page, which has misled subsequent writers. By the very terms of the Act of Uniformity what her Commissioners did in her name and by her authority "by virtue of her letters commanding the same," was variously described as "the Bishops' Advertisements," the "Commissioners' Advertisements," or, more correctly, as the "Advertisements of Q. Elizabeth."



## Episcopal References to the Ornaments Rubric.

Mr. Frere says (q. 2003), "Horne, another Bishop, had definitely stated that he hoped an Act of Parliament would be passed to take away the Ornaments rubric." Mr. Frere gives no voucher for the statement, which is entirely incorrect. But no doubt it is taken from a letter written July, 1565 (the year before the Advertisements issued), in which, speaking of the Act of Uniformity, 1 Eliz. c. 2, Horn said, "This Act cannot be repealed unless by the agreement and consent of all the estates of the kingdom, by whose concurrence it was enacted. It was enjoined us (who had not then any authority either to make laws or to repeal them [For Horn had not then been made a bishop] either to wear the caps and surplices, or to give place to others. We certainly hope to repeal this clause of the Act next session" (*Zurich Letters*, I.-142). In the Tract "Were Mass Vestments ever worn under the Reformation Settlement as embodied in the Act of Uniformity of 1559?" p. 19, this very letter was quoted to show that the Act of Uniformity required the surplice only as the dress of ministration, because the Ornaments rubric of 1552 was re-enacted under penalties by that Act. But the "fraud-rubric" of Elizabeth is not even alluded to in Horn's letter, and it is very deserving of notice that *not a single Elizabethan bishop ever does quote those fraud-rubrics of Elizabeth*. On the other hand, the words of the rubrics of 1552, illegally suppressed by Elizabeth, are repeatedly quoted by the Elizabethan prelates as being in force. (See *Historic Grounds of the Lambeth Judgment Examined*, p. 24.) The Act of Elizabeth, in its 25th section, said nothing about the *clergy making ritual use of the vestments in church or in "times of ministration."* All that is a mere unauthorised interpolation, not only without authority from, but in the teeth of the Act. Bishop Horn truly said in the same letter, that the Act "took away" all the rest of the ornaments, but that by it "the wearing of square caps and surplices was continued to the clergy, though without any superstitious conceit, which was expressly guarded against by the terms of the Act."

# A Review of MacColl's "Royal Commission And the Ornaments Rubric."\*

By J. T. Tomlinson.



HERE are some four hundred pages devoted to the vindication of the writer whose pet theories had been ruthlessly torn to pieces by the Royal Commissioners. These theories are sufficiently startling. It is gravely contended that "the Book of Common Prayer was in substance the work of Henry's reign" (p. 38), and that "before Henry's death the Order of the Communion was probably ready for the approval of Convocation, and Edward's First Prayer Book was drafted in the rough" (p. 13). Gasquet and Bishop, it is alleged (p. 41) "discovered some years ago the draft of the Prayer Book of 1549 in Cranmer's handwriting. There are three copies of this draft, and 'the document' they think 'is to be assigned to some date between 1543 and Henry's death'." We are to suppose that these drafts emanated from a Committee of Convocation originally appointed in 1543, and that the

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O.H.C. of 1548, having been disinterred and adopted by Convocation, was laid before Parliament in 1547, whereupon that tiny addendum to the Latin Missal was enacted bodily by the 1 Ed. VI. c. 1. Thus a little eight-page tract (printed in the Parker Society's *Liturgies of Edward VI.*) became "the authority of Parliament in the second year of Edward VI." specified in the Ornaments Rubric! Yet so recently as 1899, the writer, in his *Reformation Settlement* (p. 340), had assured the world that this identical Order was "without any authorization at all by Parliament." *A priori* the suggestion seems somewhat wild, because the "Order" in question does not so much as name a single "ornament of the minister," and only *one* "ornament of the Church"—viz., the chalice, "or some fair and convenient cup or cups," the latter, it will be observed, being novel "Protestant" inventions unwarranted by previous Uses. Indeed, the Six Articles Act forbidding the cup to the laity remained on the statute book, and was enforced even during the first year of Edward; and Henry defended the mutilation of the Sacrament in his written reply to the Lutheran envoys (Burnet, ed. Pocock, IV. 373). The statute 1 Ed. VI. c. 1, which abolished "any Ordinance contrary thereto" requiring confession as a needful prelude to reception, and which restored the cup to the laity, was not an "act of the second year" at all. Moreover, the little service-book was never laid before either Convocation or Parliament, having been drafted by a Royal Commission in 1548, when neither Parliament nor Convocation was sitting. Canon MacColl says "the Church took the lead," which is contrary to the facts. The Bill was introduced in Parliament four days *before* Convocation dealt with the matter.

Archbishop Wake says that to expedite this Bill,



“which would otherwise have gone but heavily in the Upper House, it was thought advisable . . . to obtain the approbation of the clergy to it. This the Archbishop therefore procured. . . . By this management the Bill passed both the Houses.” Cranmer, on November 30th, delivered to the Prolocutor “the form of a certain Ordinance” for the receiving in both kinds, and that “proposition” was approved on December 2nd in time to influence the votes in the House of Lords on the following day. The word “Ordinance” means some formal “synodical decree,” as Mr. Joyce designates this one (*Acts of the Church*, p. 105). *The Advertisements of Elizabeth* in their original form were similarly designated “Ordinances,” and the same word is still used in the same sense in our Colonial churches. “Parliament and Convocation had now both enjoined the administration of the Sacrament in both elements, and it fell to the Bishops to draw up some form for the rite” (Pollard’s *Cranmer*, p. 205). Foxe, the only contemporary writer (*Acts and Mon.* V. 716), Gasquet (p. 74), and Dixon (*Hist.* II. 492) bear the same testimony. The letter sent to each Bishop by the Privy Council rehearsed how the “late” Parliament had “established” the principle, and further, that thereupon the King, by the advice of his most dear uncle and the Council, had caused sundry prelates and other learned men to assemble, who, “after long conference together, have with deliberate advice finally agreed upon such an Order,” and that this had been done with a view to preventing diversity in the mode of administering “lest every man phantasying and devising a sundry way by himself” of carrying out the requirements of the Act “there might thereby arise any unseemly diversity.” It is clear that the Order was made at Windsor in the early months of 1548, and was

issued solely on Royal authority as a temporary arrangement "until other order be provided"—viz., by the First Prayer Book, which finally supplanted the Missal. Mr. Micklethwaite (the real author of the theory which Canon MacColl merely adopted without acknowledgment from his Alcuin Club Tract), afterwards frankly admitted that "No form was included in the Act, but on the 8th of March following a form was put forth by Proclamation. It is known as the *Order of Communion*, and perhaps it may be disputed whether technically it has the authority of Parliament" (*Report of Royal Commission*, Vol. III. Q. 16,820).

Canon MacColl, disregarding the sequence of the history, urges that the Act "quoted" the Order. That is not the case; it merely outlined what were to be essential features in the exhortation to be addressed by each parish priest before the administration, very much as the canonical Bidding-prayer foreshadows the language of the Prayer for the Church Militant which follows the sermon. Thus while Parliament and Convocation affirmed the principle and abolished all "Ordinances" which forbade communion in both kinds, they had nothing whatever to do with the Office Book subsequently drawn up by the Royal Commissioners and authorized by a mandate from the Privy Council signed, and probably drafted, by Cranmer himself. The relevant facts are tersely summarized in the *Protestant Dictionary* at p. 793.

Thus the MacColl theory breaks down at every point. The Act relied on is *not* "of the second year," nor are any of the other Acts which the writer prays in aid. The Order itself had no "authority of Parliament," for it was not in existence when the Act passed. The book prescribes no ornaments save cups, which were illegal in Henry's time. Gasquet and Bishop do *not* represent the

drafts which they publish as drafts of either the Liturgy or the O.H.C. These somewhat crude schemes did not relate to the Communion service at all. The theory about continuity with King Henry is reached by relying on a State paper alleged to have been handed in by the Lutheran envoys (p. 9). But this document has been shown by Seckendorf to have been a "literary forgery, devised by the enemies of the Reformation, and repudiated as soon as it became known. Dr. Jacobs, the Professor of Divinity in the Theological Seminary of the Lutheran Church in Philadelphia, has devoted to the exposure of this fraud an entire chapter of his *Lutheran Movement in England*.

We are told (p. 178) that the Six Articles Act was "harmless practically," and that "no persecutions took place" under it after 1543. But the Acts of the Privy Council and the pages of Foxe tell a very different story. Each year had its victims. No fewer than ten (including Anne Askew) were burned in the last year of Henry—that is, at the very time when he is credited by the Canon of Ripon with desiring to abolish the Mass. It is true that Strype is quoted for a story he borrows from Foxe, who tells what Morice told him that Cranmer had told him—viz., that at one time both the French king and Henry had hesitated about abolishing the Mass, and that the King willed Cranmer "to pen a form thereof to be sent to the French King." But then Foxe adds that Providence "prevented for a time this their most godly intent," and the immediate context shows how Gardiner succeeded in preventing the King from signing a letter drafted for him by Cranmer for abolishing kindred abuses (*Acts and Mon.* V. 563.) There is no evidence that Cranmer did in fact prepare such a form; but there is abundant evidence that Henry died bigotedly attached to the so-



called "old faith." Bishop Shaxton's recantation on July 9th, 1546, proves what was then the official teaching and how it was enforced (Burnet, IV. 531). It is not necessary to labour the proof, for Canon MacColl tells us (p. 56) that "during the whole reign of Edward VI. the doctrine of the Church of England was most authentically represented" by *The Necessary Doctrine and Erudition of* 1543. In that work Transubstantiation is clearly taught—"In this most high Sacrament of the altar, the creatures which be taken to the use thereof, do not remain still in their own substance. . . . In the Sacrament the things that be therein be the very body and blood of Christ in very substance" (*Formularies of Faith*, p. 263). Concomitance is affirmed (p. 265), the Seven Sacraments are asserted, that of Orders involving "consecrating and offering the blessed body and blood of Christ in the sacrament of the altar" (p. 278). This work was used at the burning of Anne Askew as a test of her orthodoxy (Bale's *Select Writings*, p. 151). There is not a vestige of evidence, or even probability, that Henry VIII. would have approved the Reformed Communion Office, and Dr. MacColl's conjectural quasi-inferences can be no set-off against the direct contemporary evidence that both the Order of 1548 and the First Prayer Book were the fruit of Royal Commissions which began their work nearly a twelve-month after Henry's death.

The attraction to the writer's mind has evidently been a rubric contained in the Order which forbids "the varying of any other rite or ceremony in the Mass (until other order shall be provided)." That rite was simply the Latin Mass. Can it be that Canon MacColl fancies that the sole difference between the Mass and Holy Communion lies in the administration of the cup and the use of the vernacular? His notion

that Elizabeth was wedded to the Augsburg Confession as regards the Sacraments has been so fully refuted in the Preface to Mr. Dimock's *Vox Liturgiæ Anglicanæ*, that no reader of that admirable work is at all likely to be misled.

A single sentence taken from the evidence given by Canon MacColl (p. 334) hits off the peculiarities of his favourite method. He said: "Cosin, and Sandys who was a contemporary; and Strype, I think. Fuller and Hayward in his life of Edward VI. and Heylin all claim the authority of Parliament for the Order of Communion, and therefore exclude any other." An adjournment took place, which gave Dr. Gibson the opportunity of looking up these vouchers, with the result that every one of them proved to be worthless. Dr. Gibson's question (9965)—"Cosin ought not to be in?"—elicited the reply, "No; he ought not to be in there." As to Sandys, Dr. Gibson asks: "You think that letter of Sandys that the Ornaments of the first and second year of Edward are to be revived justifies you in saying definitely that Sandys claims the authority of Parliament for the Order of Communion?" "I think so," was the answer; although Sandys never names the Order, and the letter (a private one) was written, as he says, "hastily at London," the day but one after the third reading of the Bill for Uniformity, before the new Prayer Book was printed, and before the fraud Rubric had been introduced into it. The Royal Assent was not given till a week later, and Sandys had merely gleaned by word of mouth from his Parliamentary friends what the "proviso" intended to include. But as we have the text of that proviso before our eyes, we know that Sandys was mistaken in supposing that the "first year" was in any way included. As to "Strype," it turns out that he simply quoted Sandys'

letter, but, adds the intrepid Canon, "he does not give them *as* a quotation" (q. 9999), so that Strype is made responsible for an assertion which neither Sandys nor Strype ever made! Fuller, as Dr. Gibson points out, imagined that the O.H.C. was enforced by penalties in the Act of Uniformity—a mistake which, if it could prove anything, would show that that Act was "the authority of Parliament," to the exclusion of 1 Ed. VI. c. 1. "Hayward's" editor merely says "the Order of O.H.C. was pursuant to the Act, *anno* 1 Edward VI. for the administration of the Sacrament in both kinds," which is, of course, true enough in the sense that the Royal Order gave effect to the purpose of that Act; but the sentence does not suggest that the Form had been enacted in 1547, before it was drawn up. "Heylin," as quoted by Canon MacColl (*Reformation Settlement*, p. 655), shows this clearly. He says of the 1 Ed. VI. c. 1: "So far the Parliament enacted, in relation to the thing itself, as [to] the subject-matter, that the Communion should be delivered in both kinds, to all the good people of the kingdoms. But for the Form in which it was to be administered, that was left wholly to the King, and by the King committed to the care of the Bishops . . . the Parliament declaring only that a godly exhortation should be made by the ministers." This Windsor Committee of Divines, Heylin says, "agreed on such a Form and Order as might comply with the intention of the King and Parliament" (Hist. Ref. I. 100, 119).

At the very outset, on p. 2, we have an undated statement that "Elizabeth told Count de Feria, the Spanish Ambassador, that she was resolved to restore religion as it had been left by her father." In his *Reformation Settlement* (p. 577) Canon MacColl had improved upon this statement by attributing the language to De Cuadra,



and by interpolating the word "precisely" after "religion." Both mistakes were due to adopting Hall's paraphrase, instead of following the actual words of the letter itself, which is given in the Spanish State Papers (I. 37). But the date of that letter was March 19th, 1559 —*i.e.*, the day after the Supremacy Bill had passed its third reading in the Lords. The conversation naturally turned on this subject. In the same letter De Feria says, "The treasurer at the beginning of the interview had promised me that the Queen would not take the title of Head of the Church," which was the characteristic feature of Henry's reform. De Feria says, "she kept repeating to me that she was heretical, and consequently could not marry your Majesty. She was so disturbed and excited and so resolved to restore religion as her father left it, that at last I said that I did not consider she was heretical."

The doctrine of the Eucharist was not referred to at all; but Canon MacColl skilfully mixes with it the language of a letter dated April 29th, in which the Augsburg Confession of Faith was hinted at, and Elizabeth told him "that she in fact differed but little from us, because she believed Christ was present in the sacrifice of the Eucharist." That is given by Canon MacColl in his *Reformation Settlement*, p. 581, as a translation of the words "porque creya que Dios estava en el sacramento de la Eucharistia." Thus he contrived to convert a belief in the Divine Presence in the Sacrament into a presence of Christ in the sacrifice of the Mass! But the reference to "the religion of her father" related to the Oath of Supremacy alone; yet some forty times this phrase is repeated at intervals in order to emphasize his theory that Henry's views on the sacrifice of the Mass were shared by his daughter! Some three months later De Cuadra had gained a real insight into Elizabeth's

character. He wrote to Philip: "I have lost all hope in the affairs of this woman. . . . In religious matters she has been saturated ever since she was born in a bitter hatred to our faith, and her one 'object is to destroy it'." He mentions that Bishop Tunstal "showed her documents in the handwriting of King Henry against the heresies *now received*, and especially as regards the Sacramentaries (Sacramentarios),\* and begged her at least to respect the will of her father if she did not conform to the decrees of the Church; but it was all of no avail—they only laugh at him." (S.P. Spanish, I. 89.) It is clear that the adherence to "the religion of her father" related only to the rejection of the Pope's supremacy, by the "Supreme Governor" of the Anglican Church. (See Newman and Gladstone, as quoted by MacColl, pp. 171, 172.)

With like purpose Taverner's Postils are said to have been incorporated into Elizabeth's Homilies. It would have been candid to mention that in the latter the words Christ "in the form of bread," and presence "now received in this holy Sacrament," were struck out, and that "penance, remission of sins," was altered into "pardon and remission of sins."

Again, Cranmer is said to have "expressed a doubt of the legality of the [Prayer] book after being 'altered again without Parliament'" (Pref. xxx.). This took place, we are told, "on receiving a Royal Mandate to peruse and report on the alterations proposed to be made in the book of 1549" (p. 59). Whereas Cranmer was expressly defending those alterations which had already been enacted, and the doubt of legality related to a rejected proposal to strike out the rubric on kneeling which appeared, for the

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\* The Spanish original is printed in Kervyn de Lettenhove's "Relations publiques de Pays-Bas et de l'Angleterre," 1-595.

first time, in the book of 1552. That book is said to have been "never used except in a few churches in London and the neighbourhood." As a fact its general adoption has been shown by Dr. Gee (Elizabeth's *Prayer Book*, p. 127). Eight separate editions (besides several separate impressions of each) and a French translation are known to have been issued. Detailed proofs of its popularity are given in *Lay Judges in Church Courts*, p. 79.

To prove the reception of the Crucifix in Elizabethan times Sampson is quoted (p. 243), with an omission of the words "the crucifix and candles are retained at court alone" (Zurich Letters, I. 63), and Sandys (p. 244) with the omission of the very next words to those actually given—viz., "But God delivered the Church of England from stumbling blocks of this kind." In the same spirit Horn and Grindal are quoted to show that no change had been made in the legal standard since 1559, but with a careful suppression of the fact that both the letters cited show that the surplice was the only known dress of ministration. Horn says expressly, "the Act of Parliament . . . by which, though the other habits were taken away, the wearing of square caps and surplices was continued" (Z.L. I. 142). Grindal no less expressly says, "ministers were required to wear commonly a long gown, a square cap, and a tippet over their necks, and hanging down to their heels. In the public prayer and every holy administration they were to use a linen garment, called a surplice." Had these words been faithfully reproduced, even Canon MacColl might have discerned that they prove that from 1559 downwards, under the Act of Uniformity, these leading Bishops held that the surplice at Holy Communion had been enacted: in other words, that the Ornaments of 1552 were statutory under Elizabeth's Act (Grindal's *Remains*, p. 335). He has even the hardihood to deny (p. 197), that the *Advertisements of*



*Elizabeth* "ordered the minister to wear a surplice at all times of his ministration" (p. 197), and ekes out his attack by a learned quotation from Archbishop Reynold's *Constitutions* (p. 199), which says, "let no clerk be permitted to minister in the office of the altar without a surplice"—as though "*clericus qui ministrat*" meant the celebrant and not the server.

He quotes with reverence Sir R. Phillimore's denial that the Proclamation Act was repealed by 1 Ed. VI. c. 12 (p. 155), but forgets that the Act is specified *by name* in that Act of repeal. He alleges that Geste signed the Ordinances of 1564 (p. 256), which, of course, is not true. He refers (p. 51) us to "British Museum, MS. Cleop. E. 6, p. 263" for a paper relating to Annates. Nearly three pages are given from it; but, alas! these elegant extracts only prove that he has never seen the MS., for he copies with exactness a whole series of Strype's blunders. Had he gone to the original he would have found that it speaks of an "Act of this his Grace's high court of Parliament," showing, as Mr. Gairdner points out, that this was not a petition in Convocation, but in Parliament, and disproving Canon MacColl's contention that the "Church took the lead." On the contrary, the Bishops opposed the measure with all their might. Again, he stoutly maintains (p. 366) the authenticity of a "string of questions" attributed by Strype to Cecil—evidently not knowing that Strype gives a reference as his authority, and that the original paper contains no questions at all. Strype's reprint even of the so-called "answers" is quite inaccurate, the true text being printed in the Church Association's Tract: *Why was the First Prayer Book rejected?* copied directly from the C.C.C. MS.









